

February 25, 2021

Lance Nixon
Enforcement Officer
U.S. Environmental Protection Agency
Superfund and Emergency Management Division
Assessment and Enforcement Branch
nixon.lance@epa.gov

RE: Request for Information Pursuant to Section 104 of CERCLA for Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

#### Dear Mr. Nixon:

This letter is in response to your email dated February 1, 2021 requesting information and documents relating to the Fansteel Metals Facility ("Fansteel") pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e). As per our discussion February 12, 2021 with you and Elizabeth Pletan, Attorney, Superfund Branch Office of Regional Counsel, we believe that the documents you seek are in the custody of the Department of Defense, Defense Logistics Agency ("DLA") and/or the National Archives Records Administration (NARA).

Following our February 12, 2021 conversation you provided to us (1) Shipping documents between Fansteel and GSA ("Shipping Documents"); and (2) Amendment No. 1 to Contract No. GS-00P-23252 (SCM) dated March 22, 1967 ("Amendment"). We shared these documents with Robert Smudde, GSA's records custodian, who searched copies of records that he has retained related to GSA's history. The official records versions are with NARA or DLA. Mr. Smudde found a press release dated December 15, 1965 announcing the award to Fansteel Metallurgical Corporation, North Chicago, Illinois for the conversion of Government-furnished tantalum/columbium bearing material. ("Press Release" attached here as Exhibit "A") and a 1963 list of GSA/DMS depots ("Depot List" attached here as Exhibit "B").

The Shipping Document refers to shipments made from Fansteel to GSA at the PMDS Gadsden Depot (see pp. 1, 5-8, 10-11) and the PMDS Binghamton Depot (see pp. 23 and 24). Those two locations appear on the Depot List as locations used by GSA as part of the National Defense Stockpile ("Stockpile"). On July 1, 1988, the director of the Office of Management and Budget (OMB) issued a document titled "Determinations with Respect to Transfer of Functions

Pursuant to Public Law 100-180 and Executive Order 12626" directing the funds, inventory, personal property, personnel, and records of GSA associated with the National Defense Stockpile be transferred to the DLA. ("Determination" attached here as Exhibit "C")

Pursuant to that Determination we believe that all records associated with GSA's relationship with Fansteel have been transferred to the DLA. Attached as Exhibit "D" is a document showing the records transferred although there is no specific mention of Fansteel.

Please let me know if you have any questions or if we can be of further assistance.

Sincerely,

Tina Chiappetta
Assistant General Counsel
Real Property Division
General Services Administration
1800 F Street NW, Room 2031
Washington, DC 20405
(202) 258-8626

Enclosures (4)

cc: Kate Healy, Senior Assistant General Counsel, Real Property Division, GSA

OFFICE OF INFORMATION

GENERAL SERVICES ADMINISTRATION

ROOM 6113, 18TH AND F STREETS NW.

WASHINGTON, D.C. 20405

343-4511

FOR IMMEDIATE RELEASE WEDNESDAY, DECEMBER 15, 1965 GSA # 3060

The General Services Administration announced today the award of a contract for conversion of Government-furnished tantalum/columbium bearing material to 84,500 pounds of tantalum metal powder of four different grades; 15,500 pounds of tantalum metal slabs; 15,000 pounds of columbium metal powder and approximately 90,000 pounds of columbium oxide powder. The successful bidder was Fansteel Metallurgical Corporation, North Chicago, Illinois. Payment for these services will be made with Government-owned materials.

These conversion services were advertised by GSA in Bid Invitation No. DMS-ORES-44. Three bids were publicly opened on November 30, 1965.

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FOR IMMEDIATE RELEASE

WEDNESDAY

**DECEMBER 15, 1965** 

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#### GSA OPERATED DEPOTS

#### GSA/DMS DEPCTS

New Bedford, Massachusetts Belle Meade, New Jersey Bethlehem, Pennsylvania Binghamton, New York Buffalo, New York Iona Island, New York Scotia, New York Somerville, New Jersey Curtis Bay, Maryland Point Pleasant, West Virginia Gadsden, Alabama Jeffersonville, Indiana Dayton, Ohio Hammond, Indiana New Haven, Indiana Sharonville, Ohio Wardwell, Ohio Marion, Ohio Topeka, Kansas Baton Rouge, Louisiana New Orleans (Harahan), Louisiana

## GSA/DMS MACHINE TOOL PRESERVATION DEPOTS

Burlington, New Jersey & Marietta, Georgia Dixon, Illinois

#### GSA/CDM DEPOTS

Gilbertville, Massachusetts
Horseheads, New York
Lebanon, Pennsylvania
Montoursville, Pennsylvania
Romulus, New York
Shamokin, Pennsylvania
Williamsburg, Virginia

Figure 4-1: GSA Operated Depots (Part, 1 of 2)

DETERMINATIONS WITH RESPECT TO TRANSFER OF FUNCTIONS PURSUANT TO PUBLIC LAW 100-180 AND EXECUTIVE ORDER 12626

This determination is made pursuant to Section 3203 of the National Defense Authorization Act for FY 1988 (P.L. 100-180), and Executive Order 12626 (February 25, 1988), and 31 U.S.C. Section 1531 and Executive Order 11541. Effective on July 3, 1988, there shall be transferred from the General Services Administration (GSA) and the Federal Emergency Management Agency (FEMA) to the Department of Defense, the personnel, funds, inventory of the National Defense Stockpile, personal property, and records of GSA, Office of the National Defense Stockpile, and FEMA, Office of Mobilization Preparedness, as set forth below, that I hereby determine relate primarily to the functions transferred:

#### A. Appropriations and Funds

The balance of funds for the operation and management of the National Defense Stockpile for which expenses remain outstanding, as provided in Attachment A, are hereby transferred. Appropriations relating to the FEMA functions transferred are provided for in FEMA's FY 1988 appropriations. Funds required for the FY 1988 operation of the National Defense Stockpile are appropriated through the National Defense Stockpile Transaction Fund.

#### B. Personnel and Positions

The personnel and positions identified in Attachment B, which total 298 FTE from GSA and 2 FTE from FEMA, are hereby transferred.

#### C. Property

No real property will be transferred by this order since the Federal Property Resources Service does not own any land. The existing agreements on rental payments for the use of land and facilities used to store stockpile materials will not change, except that DLA will provide such payments from its operating budget for the stockpile included in the 1989 level for Operation and Maintenance, Defense Agencies. All personal property associated with the National Defense Stockpile function is hereby transferred to the Department of Defense. Included in this transfer are all contracts and any liabilities, rights or interests arising therefrom or related thereto that pertain to the transfer of the National Defense Stockpile from GSA and FEMA to the Department of Defense as evidenced by the transferred records provided for by this Order. This includes personal property owned by GSA and FEMA relating to the functions transferred or U.S. Government-owned property held or used by any contractor under any contract referenced by the preceding sentence.

#### D. Records

The records as identified in attachment D.

Approved:

JUL 1 1988

Date

James C. Miller III

or Office of Management

and Budget

# DETERMINATION WITH RESPECT TO TRANSFER OF FUNCTION PURSUANT TO EXECUTIVE ORDER 12626

Pursuant to Public Law 100-180, Executive Order 12626 and effective on July 3, 1988, there shall be transferred from GSA and FEMA to DOD the funds set forth below, that I hereby determine relate primarily to the functions transferred.

Appropriations and Funds

From	Amount	<u>To</u>
GSA Operating Expenses Federal Property Resources Service	The estimated amount of the accounts of June 15, 1988	Operation and Maintenance, Defense Agencies
<del>47X0533</del> 477/80533	\$13,784,906.65 4,781,289.43	97X0100 977/80100
476/70533 475/60533 47M0533	558,487.56 1,373,561.69 1,387,143.30	976/70100 975/60100 97M0100
National Defense Stockpile Transaction Fund 47X5245	Unexpended Balance	National Defense Stockpile Transaction Fund 97X4550
National Defense Stockpile <u>Transaction Fund</u>		National Defense Stockpile Transaction Fund
47X4550	Unexpended Balance	97X4550
<u>FEMA</u>		
Emergency Management Planning & Assistar 5880101	t, \$ 82,000 nce	9780100
Salaries, and Expens 5880100	ses \$ 31,000	9780100

## NATIONAL DEFENSE STOCKPILE

PERSONNEL

ATTACHMENT B

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PAGE
                          EMPLOYEE'
                                       AME
                                                SERIES/GRADE/STEP
                                                                   SALAL.
                                                                                   POSITION TITLE
                      APFYTA
                                      PRICILLA
                                                  65-0318-03/02
                                                                 $12.439
                                                                           LLERK-TYPIST
Andrew Markette, Drie.
                      AUCOCK
                                      LARA
                                                  GS-0322-04/DI
                                                                 $15.016
                                                                           CLERK-TYPIST
 A. Marine
                      MELLEN
                                      HOL
                                                  GS-2030-12/04
                                                                 $36,539
                                                                           SUPV. STORAGE SPEC. (CHIEF)
                      AHOLE
                                      NHOL
                                                  #G-4749-10/05
                                                                  125,691
                                                                           MAINTENANCE BECHARIC
                      ARNOS
                                      DALF
                                                  WG-5803-10/02
                                                                  $24,794
                                                                           HEAVY MOBILE EOP NECH
                      ARVANITES
                                      CONSTANT
                                                  XC-6907-06/05
                                                                  $18,741
                                                                           WAREHOUSE WORKER
                      ATTALLAH
                                      ALFRED
                                                  65-2030-11/05
                                                                 $31,412
                                                                           STURAGE SPECIALIST
                      BABEY
                                      JOHN
                                                  GN-1101-15/00
                                                                  168,992
                                                                          .DIVISION DIRECTOR. DNP
                      BARCALON
                                      ROBERT
                                                  GS-1910-11/04
                                                                  130,488
                                                                           QUALITY ASSURANCE SPEC
                      BARON
                                      PATRICIA
                                                  CS-1910-09/03
                                                                           QUALITY ASSURANCE SPEC
                                                                  124,435
                      BARTELL
                                      CURTIS
                                                  WG-3502-03/01
                                                                 117,056
                                                                           LABORER
                      BASEN
                                      DONALD
                                                  WG-4607-09/05
                                                                  $25,900
                                                                           CARPENTER
                      BENSON
                                      BETTY
                                                  65-6341-09/06
                                                                  126,727
                                                                           ADMINISTRATIVE OFFICER
                      BERGAU
                                      JEANETTE
                                                  GS-0318-04/01
                                                                  $15,900
                                                                           SECRETARY (TYPING)
                      RIXLER
                                      ALLEN
                                                  65-1910-12/02
                                                                  134,325
                                                                           SUPY OUAL ASSUR SPICHIEF
                      BLACK
                                      LESTER
                                                  WG-4749-09/01
                                                                  $22.644
                                                                           MAINTENANCE MECHANIC
                      BLACKSTONE
                                      ANN
                                                  GS-1102-12/03
                                                                 135,432
                                                                           CONTRACT SPECIALIST
                      BOWERS
                                      TIMOTHY
                                                  WG-6907-05/02
                                                                  118,992
                                                                           WAREHOUSE WORKER
                      BOWMAN
                                      STEVEN
                                                  65-0334-11/02
                                                                 $28,640
                                                                           COMPUTER PROGRAM ANALYST
                      BOYLTON
                                      JASON
                                                  WG-6907-05/02
                                                                 $19,952
                                                                           WAREHOUSE WORKER
                      EPETZ
                                      ROBERT
                                                  GK-2030-14/0C
                                                                 149,791
                 (
                                                                           ZONE MANAGER
                      BROCKHAN
                                      ROBERT
                                                  GS-1910-11/06
                                                                           QUALITY ASSURANCE SPEC .
                                                                  $32,336
                      BROCERICK
                                      KORFRT
                                                  W5-3566-01705
                                                                           CUSTODIAL FOREMAN
                                                                  121,413
                      BROOKS
                                      FREDERIC
                                                  65-6907-11/03
                 1
                                                                  129.564
                                                                           SUPY. STORAGE SPEC. (CHIEF)
                      PPOOKS
                                      FREDERICK
                                                  WG-6907-06/05
                                                                  $22,832
                                                                           HAREHOUSE WORKER (FLO)
                      8ROOKS
                                      JOHN
                                                  WG-6907-04/05
                                                                  120.870
                                                                           WAREHOUSE WORKER
                      BROCKS
                                      MARK
                                                  4G-6907-05/02
                                                                  119,764
                                                                           WAREHOUSE WORKER
                      BROULLETTE
                                      DONALD
                                                  65-1910-11/05
                                                                           QUALITY ASSURANCE SPEC
                                                                  131,412
                      nnanu
                                      PARRIN
                                                  117,056
                                                                           LABURER
                      BUFFORD
                                      DOUGLAS
                                                  26-5705-06/03
                                                                  118,970
                                                                           TRACTUR OPERATOR
                      BUTLER
                                      SUZAKNE
                                                  65-0322-04/01
                                                                  $15,016
                                                                           CLERK-TYPIST
apadanaharan da sanaharan
                      CANGRO
                                      VINCENT
                                                  GK-2030-13/0C 146.042
                                                                           SUPY. STORAGE SPEC. (CHIEF)
                      CANTY
                                      VIRGINIA
                                                  65-0301-05/10
                                                                  $ 21,244
                                                                           SECRETARY (TYPING)
                      CARNES
                                      KENDY
                                                  GS-0322-05/03
                                                                  $16,126
                                                                           QUALITY ASSURANCE SPEC
                      CARRIZALES
                                      GILBERT
                                                  WG-6907-04/01
                                                                           HAREPOUSE WORKER (FLO)
                                                                  118,240
                      CASHMAN
                                      BERT
                                                  NG-4206-09/05
                 •
                                                                  $22,247
                                                                           PLUMBER
                      CHAFIN
                                      SARAH
                                                  GS-11C1-11/07
                                                                           STRATEGIC MATLS. REPCR. SPEC.
                                                                  133,260
                      CHILD
                                      CAROLYK
                                                  GS-0318-05/10
                                                                  $19,654
                                                                           SECRETARY (TYPING)
                      CINTRON
                                      MARREN
                                                  NG-5701-07/04
                 C
                                                                  $ 25,169
                                                                           MOSILE EQUIP. OPER
                      CLARKE
                                      DOROTHY
                                                  GS-2030-09/06
                                                                  $26,727
                                                                           STORAGE SPECIALIST
                      CLEMO
                                      HOWARD
                                                  WG-6907-05/01
                                                                           WAREHOUSE NORKER
                                                                  119,138
                      CONSIGLIO
                                      JEROMF
                                                  GH-1101-15/00
                 C
                                                                  $65,235
                                                                           DIRECTOR, CONTRACTS DIVISION
                      CORDEIRO
                                      SUSAN
                                                  65-0322-04/01
                                                                  $13,513
                                                                           CLERK-TYPIST
                      .CORMIER
                                      PAUL
                                                  WG-6907-06/05
                                                                  118,741
                                                                           WAREHOUSE WORKER (FLO) .
                      COTTON
                                      SHARON
                                                  65-0322-05/04
                                                                  $16,630
                                                                           CLERK-TYPIST
                      CRAFT
                                      HARRY
                                                  GM-1640-14/00
                                                                  154,398
                                                                           FACIL. MGHT. CFCR./CHIEF
                      CRAIG
                                      LORRIE
                                                  GS-0322-03/01
                                                                  $12,038
                                                                           CLERK-TYPIST
                      CROWLEY
                                      JOSEPH
                                                  GM-1102-13/0C
                                                                  $45,430
                                                                           CONTRACT SPECIALIST
                      CUCCHIARD
                                      JOSEPH
                                                  65-2030-12/06
                                                                  138,753
                                                                           STORAGE MANAGER
                      DATRIII
                                      JOHN
                                                  GS-0801-13/01 ..s 39,501
                                                                           GENERAL ENGINEER
                      DAVIDSON
                                      MARY
                                                  GS-1910-07/01
                                                                  118.726
                                                                           QUALITY ASSURANCE SPEC
                      ZIVAG
                                      KAREN
                                                  65-1101-13/03
                                                                  $42,135
                                                                           STRATEGIC HTLS HGHT. SPEC.
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PACL
                                                       FRANK
                                                                          WG-4206-09/03
                                                                                                   123,813
                                                                                                                   PLUMBER
                             DEGRAZIA
                                                       ZAHOHT
                                                                          GM-20C3-14/00
                                                                                                    160.663
                                                                                                                   ZONE MANAGER
                                                                                                                   STRATEGIC HILS MGHT. SPEC.
                             DEISTER
                                                       CHERYL
                                                                          GS-1101-12/04
                                                                                                    $43,452
Section of the sectio
                                                                                                                   QUALITY ASSURANCE SPEC
                             DELHOSTE
                                                       CHARLES
                                                                          GS-1910-11/01
                                                                                                    127,716
                                                      LEONARD
                                                                                                                   QUALITY ASSURANCE SPÉC
                                                                          GS-1910-07/10
                                                                                                    125,229
                             DILLON
                             DIPAGLO
                                                       ERIC .
                                                                          GS-1910-09/05
                                                                                                    $25,963
                                                                                                                   QUALITY ASSURANCE SPEC
                                                                          63-1910-12/06
                                                                                                                   QUALITY ASSURANCE SPEC
                                                       SPENSER
                                                                                                    $38,753
                             DULANEY
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                              DUNCON
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                                                                          GM-1910-14/00
                                                                                                    156,268
                                                                                                                    WAREHOUSE LORKER (FLO)
                              DEYER
                                                       ZAMOHT
                                                                          WG-6907-06/05
                                                                                                    $22,832
                              EDMONSON
                                                                                                                    QUALITY ASSURANCE SPEC
                                                       LILBUR
                                                                           GS-1910-11/03
                                                                                                    129,564
                                                                                                                    PAINTER
                              EILENBERGER
                                                       CARMOS
                                                                          WG-41CZ-09/05
                                                                                                    $22,247
                              EMERICK
                                                        CHESTER
                                                                                                                    OVALITY ASSURANCE - SPEC
                                                                           GS-1910-09/09
                                                                                                    $29,019
                              FRICKSON
                                                                                                                    SUPV. STORAGE SPEC. (CHIEF)
                                                       KOBEKT
                                                                           GS-2030-12/05
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                      •
                              ESTILL
                                                        CHARLES
                                                                           GS-1910-11/04
                                                                                                    130,488
                                                                                                                    OUALITY ASSURANCE SPEC
                              FAIRHURST
                                                        JAMES
                                                                           WG-6907-04/01
                                                                                                    $14,664
                                                                                                                    WAREHOUSE WORKER (FLO)
                              FALGIER
                                                        FRANK
                                                                                                                    MAINTENANCE WORKER
                                                                           WG-4749-C5/04
                                                                                                     $21.830
                              FARLFY
                                                        JAMES
                                                                                                                    STORAGE SPECIALIST
                                                                           GS-2030-07/01
                                                                                                     $15,726
                              FAULCONER
                                                        HUL
                                                                                                    159.424
                                                                                                                    STRATEGIC MILS MGMT. SPEC.
                                                                           GM-11C1-14/00
                              FAVORS
                                                        RONNIE
                                                                                                                    STORAGE SPECIALIST
                                                                           GS-2030-05/01
                                                                                                    $15,116
                              FAXON
                                                        CHARLES
                                                                           G5-1910-13/08
                                                                                                     $48,720
                                                                                                                    QUALITY ASSURANCE SPEC
                              FELDMAN
                                                        JILL
                                                                           GS-0318-04/01
                                                                                                                    SECRETARY (TYPING)
                                                                                                     $13.513
                              FERKEE
                                                        STEVEN
                                                                           WG-4749-09/03
                                                                                                     $24.042
                                                                                                                    MAINTENANCE PECHANIC
                              FISH
                                                                                                     $36,539
                                                        DONALD
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                                                                                                                     SUPY. STORAGE SPEC. (CHIEF)
                              FORC
                                                        JESSE
                                                                           GS-2030-12/04
                                                                                                     $36,539
                                                                                                                    STORAGE SPECIALIST
                              FORC
                                                         JOSEPH
                                                                           WS-6907-04/05
                                                                                                     $30,115
                                                                                                                    WAREHOUSE WORKER FOREMAN
                              FOWLER
                                                        WILLIAM
                                                                           GS-1101-13/05
                                                                                                     148,720
                                                                                                                    SPECIAL ASSISTANT
                              FOXWOR TH
                                                                                                     122,907
                                                                                                                     PROGRAM ANALYST
                                                        FILLIE
                                                                           G5-1910-09/01
                              FRECERICKS
                                                         AQUILLA
                                                                           WG-5803-10/01
                                                                                                                     HEAVY HORLLE FOR
                               FRENCH
                                                        MICHELLE
                                                                            GS-G322-05/01
                                                                                                     $15.118
                                                                                                                     CLERK-TYPIST
                               FRITZ
                                                        WILLIAM
                                                                            G5-2030-11/04
                                                                                                     130,488
                                                                                                                     STORAGE SPECIALIST
                               FRYE
                                                        KERMIT
                                                                            GM-1910-14/00
                                                                                                     $60,532
                                                                                                                     SUPV. SICK. SPEC. (DIR)
                              GALLUCCI ....
                                                        RUDOLPH ....
                                                                          WG-4749-09705 128,237 MAINTENANCE MECHANIC
                               GARY
                                                         ALICIA
                                                                            GS-0318-06/0Z
                                                                                                     115,174
                                                                                                                    SECRETARY (TYPING)
                               GAUNT
                                                        DEN/II
                                                                           WS-4737-09/03
                                                                                                     130,867
                                                                                                                     GENERAL ECP. HECH FOREHAN
                       t
                                                                                                     $23,094
                               GLASS
                                                        FRANCES
                                                                            GS-0318-07/08
                                                                                                                     SECRETARY (STENO)
                               GREEN
                                                         EDWARD
                                                                            GS-2030-11/04
                                                                                                      130,488.
                                                                                                                     STORAGE SPECIALIST
                                                                                                     120,348 - WAREHOUSE WORKER
                                                                            WG-6907-05/02
                               GRIBES
                                                         ROBERT
                       (
                               GUITON
                                                         MILLIAM
                                                                            GS-2030-12/01
                                                                                                     $33,218
                                                                                                                     SUPV. STORAGE SPEC. (CHIEF)
                               GURLEY
                                                         SAMUEL
                                                                            GS-2030-13/03
                                                                                                     $42,135
                                                                                                                     STORAGE SPECIALIST
        :·* :
                               GYDESEN
                                                         THOMAS
                                                                            WG-5716-10/04
                                                                                                     124,794
122,289
                                                                                                                     ENGINEERING ECUIP. OPER.
                                                                            WG-4749-05/01
                               HALLAS
                                                         STEPHER
                                                                                                                     MAINTENANCE WORKER
                               HAMILTON
                                                         CAROLYN
                                                                            GS-0318-07/06
                                                                                                     $21.846
                                                                                                                     SECRETARY (STENO)
                                                                                                      $48,720
                               HAREIN
                                                         JEROKE
                                                                            65-0301-13/08
                                                                                                                     INFORMATION SYS. SPEC.
                               HARMON
                                                         HELEN
                                                                            GS-2005-05/07
                                                                                                      $18,142
                                                                                                                     SUPPLY CLERK
                               HARRINGTON
                                                        . POXANNE.
                                                                            GS-0322-03/01. $12,038
                                                                                                                     CLERK-TYPIST
                               HARRISON
                                                         PATRICIA
                                                                            GS-11C1-12/04
                                                                                                      $36.539 STRATEGIC HTLS HGHT. SPEC.
                                                                                                      $47.403 ."PROGRAM ANALYST
                               HEARD
                                                         NINA
                                                                            GS-0345-13/07
                               HENSON
                                                         ROGER
                                                                            WG-2805-10/05
                                                                                                      $28.195 ELECTRICIAN
                                                                                                      $18,741 WAREHOUSE WORKER (FLD)
                               HIBEERT
                                                         SAMUEL
                                                                            WG-6907-06/05
                                                                                                      $21.726 WAREHOUSE WORKER (FLD)
                               HILL
                                                         EDWARD
                                                                            WG-6907-06/03
                               HINEMAN
                                                         CLIFFORD
                                                                                                      $29,564 QUALITY ASSURANCE SPEC
                                                                            65-1910-11/03
                                                                                                      $43,452 ECONOMIST
                               HOBACK
                                                         DARLENE
                                                                             GS-0110-13/04
                               HOCHBERG
                                                        " MARTHA .
                                                                             GS-11C4-12/07
                                                                                                      $39,860 PROPERTY DISPOSAL SPEC.
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MALLUMAL VERENJE STUCKPILE UPEKALIUNZ
                     PAGE 3
     HOCKADAY
                     ELEANOR
                                 65-0303-09/06
                                                126.727. STAFF-ASSISTANT
     HOFFHAN
                     FRANK
                                NG-6907-05/05
                                                123,959
                                                          WAREHOUSE WORKER
    HOLDER
                     CORNEL
                                GS-11C2-12/03
                                                1357432
                                                          CONTRACT SPECIALIST
    HOOVER
                    CARL .
                                WS-6907-06/03
                                                129,385
                                                          WAREHOUSE WORKER FOREMAN
    HORNER
                     JAY
                                GS-1910-07/05
                                                $21.222
                                                          QUALITY ASSURANCE SPEC
    HUNT
                     SHERKY
                                65-0322-04/01
                                                113,513
                                                          CLERK-TYPIST
    HYZEH
                     MHOL
                                WG-2805-10/03
                                                $21.307
                                                          ELECTRICIAN
     INGE '
                     JOSEPH
                                GS-1910-11/04
                                                130,408
                                                          OUALITY ASSURANCE SPEC
     JACKSON
                     DOFOTHY
                                GS-20C5-04/10
                                                $17.563
                                                          SUPPLY CLERK
     JACKSON
                    PARY
                                GS-2030-11/04
                                                130.488
                                                          STORAGE SPECIALIST
     JACKSON
                    MINERVA
                                .GS-C318-06/05
                                                $19.827
                                                          SECRETARY ISTENDI
     JAMES
                     PHYLLIS
                                GS-0318-06/02
                                                117,413
                                                          SECPETARY (STENO)
     JANORSKI
                     YMOHTNA
                                GS-1910-09/06
                                                126,727
                                                          OUALITY ASSURANCE SPEC
(
    JENKIKS
                     JAHES
                                GS-1910-11/02
                                                $28.64C
                                                          QUALITY ASSURANCE SPEC
    JOHNSON
                    ANTHONY
                                HG-4749-07/01
                                                $20+052
                                                          MAINTENANCE WORKER
    JOHNSON
                    LINDA
                                GS-0334-05/09
                                                118,725
(
                                                          COMPUTER FROGRAM ANALYST
     JONES
                    BEVERLY
                                GS-GCC0-04/01
                                                $13.513
                                                          CLERK-TYPIST
    JONES
                    CLIFFORD
                                65-2030-07/03
                                                119,974
                                                          STORAGE SPECIALIST
    JONE 5
                    ERNEST
                                65-2030-12/05
                                                $37,646
                                                          SUPV. STORAGE SPECIALIST
C
    KAHLER
                     JAMES
                                65-2030-12/04
                                                136,539
                                                          STORAGE SPECIALIST
    KLPP
                     JULIA
                                GS-0318-05/10
                                                119.654
                                                          SECRETARY (TYPING)
    KARGGI
                     STEVEN
                                G5-23G3-07/08
                                                $23,094
(
                                                          STORAGE SPECIALIST
    KATES
                    CHERYL
                                GS-1101-07/07
                                                $22,470
                                                          MARKET ASSISTANT
    KENAR
                    DAVID
                                65-2030-09/07
                                                $27,491
                                                          STOPAGE SPECIALIST
    KENNEY
                                #G-6907-05/03
                    LEONARD
                                                          WAREHOUSE WORKER
    KIDKHAM
                     EXADLEY
                                WG-4749-05/03
                                                122,289
                                                          MAINTENANCE WORKER
    KOLENDA
                    KENNETH
                                WG-6907-06/05
                                                $20,014
                                                          WAREHOUSE WORKER (FLO)
    KUSTICK
                     CJANOR
                                WS-6907-06/01
•
                                                $23,061
                                                          WAREHOUSE ACRKER (FLO)
    KOATCH
                     STEPHEN
                                65-1640-11/01
                                                $27,716
                                                          FACIL. MGMT SPEC.
    KULIG
                     JOHN W.
                                ES-0340-04/00
                                                171,910
                                                          ASSISTANT COPHISSIONER
    L'HEUREUX .
                     SCOTT
                                kG-6907-05/01
                                                115,402
                                                          WAREHOUSE MORKER
    LARSEN
                     KILLIAM
                                GS-1102-12/07
                                                $39,860
                                                          CONTRACT SPECIALIST
    LAW
                     CATHERINE
                                GM-1910-15/00
                                                $68,543
                                                          SUPY QUAL ASSUR SPEC (DIR)
    LAWRENSON
                     EFTTY
                                G5-0316-04/01
C.
                                                $13,513
                                                          SECRETARY (TYPING)
    LEE
                     MELVIN
                                GS-1510-12/04
                                                $36,539
                                                          SUPY. QUAL. ASSUR. SPEC.
    LEPAGE
                     GILES
                                GM-1910-14/00
                                                151.867
                                                          SUPV OUAL ASSUR SPICHIEF
    LETTIERI
                     BERNARD
                                WG-6907-06/03
                                                $21,726
(
                                                          WAREHOUSE WORKER (FLO)
    LISEMBEE
                     WILSON, JR WG-3566-02/05
                                                $19,221
                                                          CUSTODIAL/LABORER
    LUNG
                     ERMA
                                62-1101-12/07
                                                139,860
                                                          STRATEGIC MILS MGMT. SPEC.
    LONG
                     MII TON
                                HG-5701-09/03
C
                                                $23,520
                                                          MOBILE EQUIP. OPER
    LONG
                     READUS
                                GM-1101-15/00
                                                $69,473
                                                          STRATEGIC MILS. MG. CFFICER
    LOTHAMER
                    DORIS
                                GS-0322-04/01
                                                $13,513
                                                          CLERK-TYPIST
    LOYELACE
                    LYLE
                                GM-2030-14/00
<
                                                154,916
                                                          ZONE MANAGER
    LUTZ
                    ROBERT
                                GS-1150-13/05
                                                144.769
                                                          INDUSTRIAL SPEC.
    LYNCH
                    DENNIS
                                GM-1640-13/0C
                                                $40,818
                                                          SUPY. STORAGE SPEC. (CHIEF)
    MANER
                    DMFR
<
                                GS-2030-12/06
                                                $38.753
                                                          STORAGE SPECIALIST.
    MANN
                     HALLACE
                                G5-1910-11/09
                                                135,108
                                                          QUALITY ASSURANCE SPEC
    MARTINDALE
                     CRAIG
                                WG-6907-05/02
                                                117,225
                                                          WAREHOUSE WORKER (FLO)
    MARTINO
                    RICHARD
                                WG-6907-05/01.
                                                $19,136
                                                          MAREHOUSE FORKER
    MASTRONARDI
                    MICHAEL
                                WG-35C2-04/02
                                                116.592
                                                          LABORER
    MATTHEWS
                     JAMES
                                WG-2805-10/04
                                                .324,794
                                                          ELECTRICIAN
    MATTHEWS
                    MUR PHY
                                G5-11C1-07/09
                                                123,718
                                                          STRATEGIC MTLS HGHT. SPEC.
    MATTHENS
                    STANLEY
                                GS-1101-12/04
                                                $36,539
                                                          STRATEGIC MATLS. REPCR. SPEC.
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                                                                             "SURANCE, SPEC
                              THOMAS
                                          GS-1910-11/04
                                                          130.488
                                                                   DUAL LTY
              MCCORMISH
              MCDAHIEL
                              CLARENCL
                                          65-1-910-11/08
                                                          $34.184
                                                                   QUALITY
                                                                              JURANCE SPEC
                                          GS-0318-05/05
                                                          117-124 .. SECRETAR : ETYPING!
              MCDANIELS
                              FRANCES
                              JOHNY
                                          GM-2C30-13/0C
                                                          $44.112
                                                                   SUPV. STORAGE SPECIALIST
              MCDUFF
GS-2030-12/04
                                                                   STORAGE SPECIALIST
              MCGILL
                              PHYLLIS
                                                          136.539
                                                                   STRATEGIC MILS MGHT. SPEC:
              MCMORROW
                              DANIEL
                                          GM-11C1-14/0C
                                                          $46.679
                              VHTOROG
                                          GS-0322-04/08
                                                          118.110
                                                                   CLERK-TYPIST
              MCRAF
              MEEKER
                              TOMMY .
                                          GS-1101-13/07
                                                          $47.403
                                                                   MARKET ANALYST
                                                                   HEAVY HOBILE EQP MECH
                              GIVAG
                                          WG-5823-10/02
                                                          124,522
              MILLER
                                                                   MARKET ANALYST
              MILLER
                              LESLIE
                                          GS-1101-12/05
                                                          137,646
         1
              MILLER .
                              RICHARD
                                                          125.199.
                                                                   QUALITY ASSURANCE SPEC
                                          GS-1910-09/04
              MILLER
                              KOY
                                          GS-2030-12/04
                                                          136,539
                                                                    SUPV. STORAGE SPEC. (CHIEF)
                                                          136,032
              MOON -
                              JAMES
                                          GS-1910-11/10
                                                                    QUALITY ASSURANCE SPEC
              MOSER
                              JAC OB
                                          GS-0301-07/01
                                                          118.726
                                                                    MANAGEMENT INTERN
                                                                    TRACTOR OPERATOR STORAGE SPECIALIST
              MOSES
                              ARMESY
                                          WG-5705-07/05
                                                          321,872
              MOYER
                              HARY
                                          GS-2030-12/04
                                                          $36.539
          t
                              MARVIN
              MULLENAX
                                          GS-1910-12/08
                                                                    SUPY OUAL ASSUR SPICHIEF
                                                          $40.967
              NEESE
                               JAKES
                                          WG-6907-05/03
                                                          121.162
                                                                    WAREHOUSE WORKER
              NETHERTON
                              MICHAEL
                                          46-6907-05/02
                                                          $17.229
                                                                    WAREHOUSE WORKER (FLD)
          ŧ
                                                                    SUPV. STCR. SPEC. (DJR)
                                                          $66,433
               O'BRIEN
                               ROBERT
                                          GM-2030-15/00
              OCELLO
                               NICHOLAS
                                          WG-6907-06/05
                                                                    WAREHOUSE WORKER (FLO)
                                                          123,374
               OLSIEWSKI
                               WALTER
                                                                    CUSTODIAL/LABCRER
                                           4G-3566-02/05
                                                          117,781
          t
               OLSZEWSKI
                               JOHN
                                          65-2030-12/03
                                                          $35.432
                                                                    SUPY. STORAGE SPEC. (CHIEF)
               OSWILL
                               DONALD
                                          GS-2030-12/06
                                                          138,753
                                                                    STORAGE SPECIALIST
              PADER
                               DOUGL &S
                                           GS-1102-12/03
                                                          $35,432
                                                                    CONTRACT SPECIALIST
          ŧ
              PARISI
                               MICHAEL
                                           WG-4749-05/03
                                                          $22,289
                                                                    MAINTENANCE WORKER
               PARKER
                               LEE. JR.
                                           WS-4737-10/03
                                                          131,013
                                                                    GENERAL ECP. MECH FOREMAN
                               VIRGINIA
               PARKS
                                                                    SECRETARY (TYPING)
                                           65-0318-05/09
                                                          119.150
          •
               PASSARETTI
                               DOMINICK
                                                                    WAREHOUSE WORKER FOREMAN
                                           WS-6907-06/03
                                                          128,759
                                           65-1910-11/04
                                                                    QUALITY ASSURANCE SPEC
               PATRICK
                               JUHN
                                                           130,488
                                                                    SUPY QUAL ASSUR SPICHIEF
               PECULIER
                               MICHAEL
                                           UN-1510-13/00
                                                           145,798
          4
               PEYTON
                               KIMBERLY
                                                                    CLERK-TYPIST
                                           GS-0318-03/01
                                                          113,767
               PITTANO
                               JOHN
                                           WG-6907-05/04
                                                           123+145
                                                                    WAREHOUSE LORKER
                                           GS-1910-13/05
               PORTON
                               PETER
                                                                    OUALITY ASSURANCE SPEC
                                                           144,769
               RANKIN
                               MARILYN
                                           GS-2005-05/07
                                                           116,142
                                                                    SUPPLY CLERK
               RAUCCI
                               JAMES
                                           WG-6907-06/05
                                                          $22.832
                                                                    WAREHOUSE WORKER (FLO)
               RAY
                               HELEN
                                           GS-0318-05/10
                                                           $19,654
                                                                    SECRETARY (TYPING)
          *
                                           GM-1910-13/00
               REEVES
                               CLARENCE
                                                                    SUPY QUAL ASSUR SPICHIEF
                                                           151,354
               REILLY
                               KEVIN
                                           GM-0690-14/0C
                                                           $48,235
                                                                    INDUSTRIAL HYGIENIST
                               KESLEY
                                                                    HEAVY MOBILE EOP MECH
               REYNOLDS
                                           WG-5823-10/03
                                                           $24.397
          C
               RINGOUIST
                               FRANK
                                           GS-1910-12/01
                                                                    OUALITY ASSURANCE SPEC
                                                           133,218
               ROACH.
                               JOHN
                                          . WG-3502-03/03
                                                           $18,553
                                                                     LABORER
                               JANET
               ROLLINS
                                           GS-1101-12/04
                                                           136,539
                                                                     MARKET ANALYST
          t
                                                           163,417
               ROMAN
                               PETER
                                           GM-0301-15/00
                                                                     SPECIAL ASSISTANT
               ROSTRON
                               .EDWARD
                                           WG-4749-09/03
                                                                     HAINTENANCE . MECHANIC
                                                           $24,543
               ROUSH
                               WILLIAM
                                           WG-4749-05/02
                                                           119,430
                                                                     MAINTENANCE WORKER
          t
                                                                     STORAGE SPECIALIST STORAGE SPECIALIST
               RUSSELL
                                JOANNE
                                           GS-2030-13/01
                                                           $39,501
                SANDERS
                               JOHN
                                           GS-2030-13/04
                                                           $43,452
                SCHIEL
                               KENNETH
                                           GS-1101-12/06
                                                           $38,753
                                                                     STRATEGIC MATLS. REPER. SPEC.
          t
                SCHOLLE
                                JOSEPH
                                           GS-2030-12/04
                                                           $36,539
                                                                     SUPY. STORAGE SPEC. (CHIEF)
                SCOTT.
                              .. CLARENCE.
                                           WG-6907-05/01
                                                           $19,138
                                                                     WAREHOUSE WORKER
                SEGREE
                                                                     LABORER
                                THOMAS
                                           WG-3502-03/01
                                                           117.056
           t
                                                           $16,213
                SEMRAU .
                                REBECCA
                                           GS-0322-04/07
                                                                     CLERK-TYPIST
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PAGE 5
       SHEPARD
                         DANIEL-
                                     _5-4749-10/05
                                                   $34,498
                                                             MAINT. L D. FOREKAN
                                     WG-6907-05/03
                                                    120,161
                                                              WAREHOUSE KORKER
         SHIPKOSKY
                         CHARLES
                                     65-1102-12/07
                                                    139,860, CONTRACT SPECIALIST
         SIEGELMAN
                         SEYHOUR
                                     NG-4749-09/03
                                                    124,042
                                                              MAINTENANCE MECHANIC
                         DAVID
         SIMMONS
    €.
                         THOMAS
                                     W3-6907-C4/04
                                                    130.867
                                                              WAREHOUSE WORKER FOREMAN
         SIMPSON
                         KINZY
                                     WG-2810-10/03
                                                    124,397
                                                              ELECTRICIAN (HIGH VOLTAGE)
         SHITH
                                                    144.769
                                                              QUALITY ASSURANCE SPEC -
                         MACKAYE
                                     65-1910-13/05
         SMITH
    •
                                     WG-35C2-04/05
                                                    120,473
                                                              LABORER
                         SCOTT
         SKITH
                                     65-1910-13/05
                                                    144,769
                                                              STORAGE SPECIALIST
         SPITH
                         KILBUR
                                                    128,112
                         STANLEY, JR WG-2810-10/04
                                                              ELECTRICIAN (HIGH VOLTAGE)
         SNIEICK
    (
                                                    120,035
                                                              WAREHOUSE, WORKER
         SORIANO
                         THOMAS
                                     KG-6907-06/01
                                                              CUSTOCIAL/LABORER
                         ZAROHT
                                     WG-3566-02/05
                                                    117,781
         SOUTH
         SPINNER-HOLLOM TONI
                                    . GS-0318-06/07
                                                    120,929
                                                              SECRETARY (TYPING)
    (
         STAUFFER
                                                              STRAT. HILS. PLAN SPEC.
                         CRION
                                     65-1101-13/10
                                                    151,354
         STECKY
                         DANIEL
                                     GS-2030-12/10
                                                    120,766
                                                              STORAGE SPECIALIST
                                                              STORAGE SPECIALIST
         STEELE
                         EARL
                                     GS-2030-11/05
                                                    131,412
    (
                                                              DIRECTOR, DKS
         STEVENS
                         JOHN
                                     GM-2C30-14/00
                                                    160,663
         STEVENS
                         RICHARD
                                                    $48.72C
                                                              MINING ENGINEER
                                     GS-G880-13/08
         STORM
                         ANNA
                                     GS-0318-05/03
                                                    116.796
                                                              SECRETARY (TYPING)
    €
                                                    136,539
         SHIP
                         FREDERICK
                                                              SUPY. STORAGE SPEC. (CHIEF)
                                     65-2030-12/04
         SZCZEPANSKI
                                                              SUPV QUAL ASSUR SP/CHIEF
                         HARRY
                                     GM-1910-13/0C
                                                    $44,771
                                                              STRATEGIC MILS MGHT. SPEC.
         TALEOTT
                         RICHARD
                                     65-1101-13/06
                                                     146,086
    C
         TAYLOR
                         DAVIO
                                                              STORAGE SPECIALIST
                                     GS-2030-11/05
                                                     $31.412
         TGLL IVER
                         CONALD
                                     WG-3502-03/02
                                                              LABORER
                                                     117.865
                         CHARLES
                                                              WAREHOUSE WORKER (FLO)
         TCMASSI
                                     WG-6907-06/05
                                                     122.832
    (
                                                               MAINTENANCE WORKER
         TRINGHESE
                         RICHARD
                                     NG-4749-05/01
                                                     $20,557
                                                              CLERK-TYPIST
                         SALLY
         TRYCH
                                     GS-0322-04/01
                                                     113,513
                                                              CONTRACT SPECIALIST
         UNDERWOOD
                         MFRVA
                                     GS-1102-12/07
                                                     139,860
    (
                                                               WAREHOUSE WORKER
         UKBANCZYK
                         DONALD
                                     4G-6907-05/03
                                                     121,059
                                     GS-0801-13/05
                                                     144,769
                                                               GENERAL ENGINEER
          VANIOUS
                          GERMAN
          VILLAFAKE
                          CARMEN
                                     GS-0318-05/01
                                                     $15,116
                                                               SECRETARY (TYPING)
     (
                                                              HOBILE EQUIP. OPER
         WALKER
                          DAVID
                                     WG-5701-09/03
                                                     $23.040
                                                               SURV. STORAGE SPEC. (CHIEF)
          WALKER.
                          HOWARD
                                     65-2030-12/04 $36.539
          WALLIS
                          MOR THY
                                     WG-4749-09/03
                                                     $23,520
                                                               MAINTENANCE MECHANIC
     C
          HARLICK
                          GAVID
                                      GS-0110-14/07
                                                     156,615
                                                               ECONOMIST
          WASHINGTON
                          MARION
                                      GS-1101-11/07
                                                     133,260
                                                               STRAT. MTLS. PLAN SPEC.
                                                     $22,832
          WEICHAN
                          CHARLES
                                      WG-6907-06/05
                                                               WAREHOUSE WORKER (FLO)
     C
                                                               PROGRAM: ANALYST
          WEIGHTMAN
                          MAGL
                                      65-0345-09/03
                                                     124,435
          WE SOLOWSKI
                          DENNIS
                                      GS-1910-12/04
                                                     $36,539
                                                               SUPV CUAL ASSUR SF/CHIEF
                                                               WAREHOUSE WORKER
          WHITMAN
                          RICHARD
                                      WG-6907-05/02
                                                     $20,348
     €.
          WHYTE
                          GEORGE
                                                               CUSTODIAL/LABORER
                                      ¥G-3566-02/05
                                                     $18,720
          WILKERSON
                          21300
                                      05-0318-06/09
                                                     122.031
                                                               SECRETARY (STEND)
          HILLIAMS
                          REGINALD
                                      WG-6907-05/04
                                                               WAREHOUSE WORKER
                                                      $23,145
     C
          WILLIFORD
                                      GS-1910-09/08
                                                               OUALITY ASSURANCE SPEC
                          DLIN
                                                     128,255
          WINCHELL .
                          KATHY
                                      GS-0322-05/06
                                                     $17,292
                                                               SECRETARY (TYPING)
          WOLTERS
                          THEODORE
                                      WG-2810-10/05
                                                     128,717
                                                               ELECTRICIAN (HIGH VOLTAGE)
     (
          MUSSO
                          CARDL
                                      GS-0318-05/06
                                                      $17,628
                                                               SECRETARY (TYPING)
          ZARTMAN
                          JUSTUS
                                      MG-5716-08/05
                                                     $25,169
                                                               ENGINEFRING EQUIP. OPER.
     (
          VACANCY
                                      65-1910-13/01
                                                     139,501
                                                               QUALITY ASSURANCE SPEC
          VACANCY
                                                               STRATEGIC MTLS MGMT. SPEC.
                                      65-1101-13/01
                                                     $39,5C1
                                                               FACIL. MGMT SPEC.
          VACANCY
                                      GS-1640-13/01
                                                      $39,501
          VACANCY
                                                      $39,501
                                                               STRATEGIC HTLS MGMT. SPEC.
                                      65-1101-13/01
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PAGE . 6
     YACANCY
                                  65-0322-13/01 139,501
                                                            STORAGE SPECIALIST
     VACANCY
                                  65-1701-13/01-339,501
                                                            STRATEGIC MILS MONT. SPEC.
     VACANCY
                                  GS-0334-12/01-433,218
GS-0801-12/01 $33,218
                                                            COMPUTER PROGRAM ANALYST
     VACANCY
                                                            GENERAL ENGINEER
(
     VACANCY
                                  65-7030-12/01
                                                            STORAGE SPECIALIST
                                                  $33.218
                                  GS-2030-11/01 127.716
     VACANCY
                                                            STORAGE SPECIALIST
     VACANCY
                                                            STRAT. MTLS. PLAN SPEC.
SFTY & OCCUP HEALTH SPEC
                                  G5-1101-11/01
                                                  127,716
1
                                  GS-0018-11/01
     YACANCY
                                                  $27,716
     VACANCY
                                  GS-C345-09/01
                                                  $22,907
                                                            PROGRAM ANALYST
                                  65-1910-09/01
     VACANCY
                                                  $22,907
                                                            QUALITY ASSURANCE SPEC
15
     VACANCY
                                                            SECRETARY ISTENDI
                                  GS-0318-07/01
                                                  118.726
     VACANCY.
                                  GS-C318-07/01
                                                  118,726
                                                             SECRETARY (STEND)
     VACANCY
                                  GS-0318-03/01
                                                  $12,036
                                                            CLERK-TYPIST
19
     VACANCY
                                  46-6907-04/02 118-240 WAREHOUSE WORKER
          KUMBER POSITIONS = 278
4
(
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19
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4
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#### NATIONAL DEFENSE STOCKPILE SUPPORT POSITIONS

EMPLOYEE'S NAME	GRADE/SERIES	SALARY	POSITION TITLE
FICKER, RODNEY	GM-905-15/00	\$65,752	ATTORNEY
HEJAZI, SHARON	GS-905-11/01	\$27,716	ATTORNEY
GUSS, KRISTIN	GS-343-11/02	\$28,640	MANAGEMENT ANALYST
DAVIS, KENNETH	GM-301-14/00	\$49,711	SUPVR. PROG. SUPP
BISCHOF, PATRICIA	GM-343-13/00	\$43,449	MANAGEMENT ANALYST
JOHNSTON, FLORIA	GS-343-12/06	\$38,753	MANAGEMENT ANALYST
NIETHAMER, JANE	GS-560-12/01	\$33,218	BUDGET ANALYST
CHIDO, HARRIET	GS-343-12/04	\$36,539	MANAGEMENT ANALYST
NOBLE, LENA	GS-303 <b>-</b> 9/09	\$29,019	STAFF ASSISTANT
CRUMLOY, CHRIS	GS-560-13/06	\$46,086	BUDGET ANALYST
 STAKE, CHARLES	GM-905-14/00	\$47,866	ATTORNEY
SLUGG, DAVID	GM-560-14/00	\$62,773	BUDGET ANALYST
EMERY, DONNA	GS-343-12/01	\$33,318	MANAGEMENT ANALYST
BURRKART, S.	GS-343-12/01	\$36,539	MANAGEMENT ANALYST
GIBBONS, T.	GS-343-12/04	\$36,539	MANAGEMENT ANALYST
 CHAMBERS, S.	GS-318-5/02	\$16,798	SECRETARY (TYPING)
JOHNSON LAVERNE	GS-318-7/04	\$20,806	SECRETARY (TYPING)
BURLING, CYNTHIA	GS-318-7/04	\$20,806	SECRETARY (TYPING)
BANKS, LARCENIA	GS-318-5/02	\$16,798	SECRETARY
VACANT	GS-501-14/%	\$48,235	MANAGEMENT ANALYST
	01	45.763	
		• / • • •	

20 POSITIONS

### FEDERAL EMERGENCY MANAGEMENT POSITIONS

EMPLOYEE'S NAME	GRADE/SERIES	SALARY	POSITION TITLE
CORDER, RICHARD MUNDAY, JUDITH	GS-1150-15/05 GS-1150-13/05	\$62,227 \$44,769	SENIOR INDUSTRIAL OFFIC INDUSTRIAL SPECIALIST

March 6, 1989

Ms. Fredericka Griffith
Records Officer
Defense Logistics Agency - DLA-XAM
Cameron Station, VA 22304-6100

Dear Ms. Griffith:

Reference communication on the transfer of the General Services Administration (GRS), National Defense Stockpile (DN) records to the Department of Defense (DOD), Defense Logistics Agency (DLA-XAM), under Executive Order 12626 dated July 1, 1988, are herewith.

Although records are not being physically moved at this time, the attached GSA Forms 2039, Files Maintenance Plans, are forwarded with completed Standard Forms 135, Records Transmittal and Receipt, for your signature and receipt to officially transfer custody/accountability from GSA to DLA-XAM. For the number of offices and cubic feet of records involved in the transfer, see attached copy of correspondence from DLA to GSA dated February 22, 1989.

Upon review of the documents enclosed, please sign and forward copies of Standard Forms 135 to this office. If you have any questions or problems, please contact Mae Simms, 535-7938.

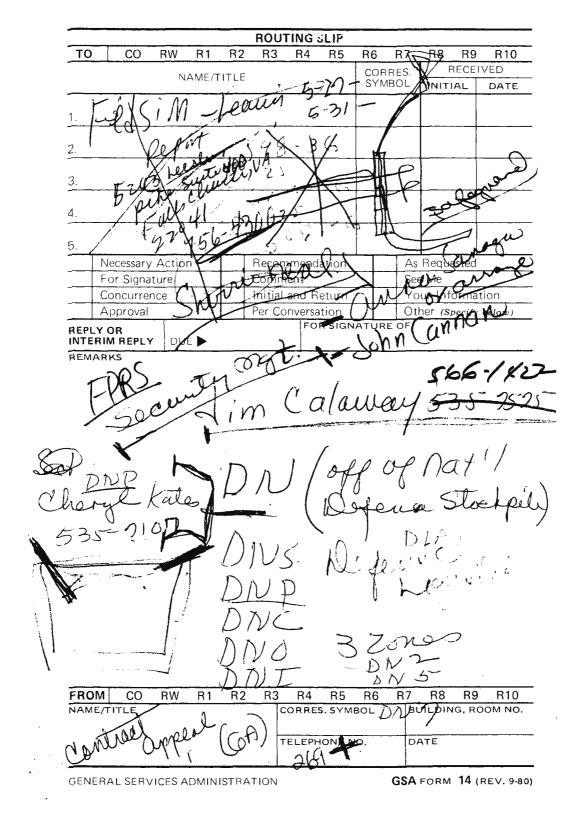
Sincerely,

Mary L. Cunningham Chief, Information Collection Management Branch

Enclosures

cc: OF/RF

CAIR: MSIMMS: hm j: 3/6/89:535-7938



MEMORANDUM OF CALL	Frevious editions usable
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Fredrika G	riffith
OF (Organization) Defense Logi.	stics Agency (DLA)
Ø PLEASE PHONE ▶ 274-623	FTS AUTOVON
WILL CALL AGAIN	IS WAITING TO SEE YOU
RETURNED YOUR CALL	WISHES AN APPOINTMENT
MESSAGE	
Re: DN rec	ords transfer
- [] AJ' 1 W	Stockpile-
RECEIVED BY Maury	DATE 5/25 TIME 10-25
63-110 NSN 7540-00-634-4018	STANDARD FORM 63 (Rev. 8-81) Prescribed by GSA FPMR (41 CFR) 101—11.6

☆ GPO 1987-181-246/60001

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Standard Form 135 (Rev. 6--76) Prescribed by GSA FPMR (41 CFR) 101-11.4

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Standard Form 135 (Rev. 6–76) Prescribed by GSA FPMR (41 CFR) 101–11.4

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Standard Form 135 (Rev. 6–76) Prescribed by GSA FPMR (41 CFR) 101–11.4

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Standard Form 135 (Rev. 6–76) Prescribed by GSA FPMR (41 CFR) 101–11.4

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Standard Form 135 (Rev. 6–76) Prescribed by GSA FPMR (41 CFR) 101–11.4

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Standard Form 135 (Rev. 6–76) Prescribed by GSA FPMR (41 CFR) 101–11.4

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Standard Form 135 (Rev. 6-76) Prescribed by GSA FPMR (41 CFR) 101-11.4

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Standard Form 135 (Rev. 6–76) Prescribed by GSA FPMR (41 CFR) 101–11.4

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Standard Form 135 (Rev. 6–76)' Prescribed by GSA FPMR (41 CFR) 101–11.4

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Standard Form 135 (Rev. 6–76) Prescribed by GSA FPMR (41 CFR) 101–11.4

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Standard Form 135 (Rev. 6-76) Prescribed by GSA FPMR (41 CFR) 101-11.4

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Standard Form 135 (Rev. 6–76) Prescribed by GSA FPMR (41 CFR) 101–11.4

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Standard Form 135 (Rev. 6-76) Prescribed by GSA FPMR (41 CFR) 101-11.4

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Standard Form 135 (Rev. 6-76) Prescribed by GSA FPMR (41 CFR) 101-11.4

	TRANSMITTAL SLIP	5-25-90
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Standard Form 135 (Rev. 6-75) Prescribed by 3SA FPMR (41 DFP) 101-11 4

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## NATIONAL ARCHIVES AND RECORDS SERVICE DISPOSAL AUTHORITY VERIFICATION REPORT (80) WASHINGTON NATIONAL RECORDS CENTER 05/03/90

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(Use Standard Form 135A for continuation sheets)

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STANDARD FORM 135 JULY 1961 EDITION

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STANDARD FORM 135 JULY 1961 EDITION	RECORDS TRANSMITTAL		RECORDS CENTER
GENERAL SERVICES ADMIN.	AND RECEIPT		ORD GROUP NO.
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	T. WORTH  AND/OR RESTRICTION ON USE; OF RECORDS, IF ANY	<u> </u>	<u> </u>
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Wanda Donaldso	ri i	FOB, 6E03	334-3447
8. MAY THE RECORDS BE DESTRO	YED AS SCHEDULED WITHOUT FURTHER AGENCY CONCU	RRENCE? YES X NO	
9. AGENCY OFFICIAL (Signature)	1 11/2	10. TITLE	11. DATE
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STANDARD FORM 135 JULY 1961 EDITION

(Use Standard Form 135A for continuation sheets)
6.0.8. GOVERNMENT PROCEING OF REAL TRADES OF SOLVER

135-103

Tuderick Buffith Mynt analyst (DLA XAM) 4-11-89

TANDARD FORM 135 APRIL 1959 RESCRIBED BY GENERAL, ERVICES ADMINISTRATION REG. 3-1V-302		OF GOVERNMEN		RECORD GR	19A	82 291
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STANDARD FORM 135

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STANDARD FORM 135

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ACCESSION NO. SYANDARD FORM 135 APRIL 1953 TRANSMITTAL OF GOVERNMENT RECORDS SERVICES ADMINISTRATION REG. 3-1V-302 INSTRUCTIONS .- Submit this form to your area GSA regional office. When submitting to GSA region 3 office, Washington, D. C. submit an original and two copies. When submitting to other GSA regional offices, submit an original and one copy only. FROM (Name and address of agency transferring the records) 2. AGENCY WHICH CREATED RECORDS Uf different than transferring assessy General Services Administration Inspection Division, Defense Materials Service 250 Hadson Street, New York 13, N. Y. 3. AGENCY OFFICIAL AUTHORIZING TRANSFER (Signature) TITLE DATE ef. Assignment and Control Section January 10, 1998 (Mrs.) Ann B. Talbott 4. CUSTODIAN OF RECORDS IN TRANSFERRING AGENCY (Name, address, and telephone number) 5. DESCRIPTION OF RECORDS (With inclusive dates. Use reverse if additional space is required) This Accession covers Inspection and Testing Records in connection with the Strategic and Critical Materials, DPA and Barter Programs - also Stockpile Storage Inspection Case Files. Some individual inspector's files are also included. Applicable Records Retention and Disposal Standards: Part V, Subsection 5-5, paragraths noted on each page. For ourmoses of R and DS, please use transmittal date as completion date. & RESTRICTIONS ON USE OF RECORDS (If no restrictions, write "none") All Programs: Restricted to Persons Authorised by GUA. 7. ARE THESE RECORDS COVERED BY AN AUTHORIZED DISPOSAL SCHEDULE?

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STANDARD FORM 135
"TAPRIL 1933
PRESCRIBED BY GENERÂL
SERVICES ADMINISTRATION
REG. 3-IV-302

## TRANSMITTAL OF GOVERNMENT RECORDS

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INSTRUCTIONS.—Submit this form to your area GSA regional office. When submitting to GSA region 3 office, Washington, D. C., submit an original and two copies. When submitting to other GSA regional offices, submit an original and one copy only.

1. FROM (Name and address of agency transferring the records)

2. AGENCY WHICH CREATED RECORDS (If different than transferring agency)

General Services Administration, Inspection Bivision, Defense Haterials Service 150 Hadron Street How York 13, H.Y.

GSA, Inspection and/or Quality Control
Divison, Federal Supply Service 
250 Endson Street, New York 13, No.Yo

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January 26, 1957

8. DESCRIPTION OF RECORDS (With inclusive dates. Use reverse if additional space is required)

Master Contrast Files (Inspection Records) Strategic and Critical Materials Program, Defense Materials Program and Barter Program Containers numbers 1 through 24;

Inspectors' Contract Files (Inspection Records) same programs as listed above, Containers numbers 25 kknownkaff through ho;

Miscellaneous subject and contract numbered CRUDE RUBBER files, containers numbers 17 and 18; Rubber STORAGE warehouse files, containers No. 19 and 50;

TRAVEL documents Oct. 1951 through June 1955; Fravel Vouchers Jan. 1954 through March 1956, April 1955 through June 1956, containers 51, 52and 53.

(Form purposes of Retention and Disposal Standards use transmittal date as complete RESTRICTIONS ON DES OF RECORDS U/ no restrictions, write "none")

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STANDARD FORM 135  APRIL 1863 PRESCRIBED BY GENERAL SERVICES ADMINISTRATION	TRANSMITTAL OF	GOVERNME	NT RECORDS	ACCESSION IN	56 A 199
REG. 3-1V-302				RESORD WAS	187
INSTRUCTIONS.—Subsubmit an original and to	mit this form to your area wo copies. When submitti	GSA regional o	ffice. When submitting A regional offices, submi	g to GSA regi it an original	on 3 office, Washington, D. C and one copy only.
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7. ARE THESE RECORDS COVERED BY AN AUTHORIZED DISPOSAL SCHEDULE? B. CUBIC FEET OF RECORDS TRANSFERRED

YES (If "yes," identify schedule) | NO

9. CUBIC FEET OF RECORDS DISPOSED OF IN AGENCY

. SQUARE FEET OF SPACE RELEASED Office

Storage 30

LOCATION

13th Floor, North 250 Hudson Street Hew York 18, M.Y.

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NSTRUCTIONS.—Submit this form to y ubmit an original and two copies. When	our area GSA regi submitting to oth	ional office. Whe	n submitting to G	SA region 3 office riginal and one co	, Washington, D. C.
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REFER TO DLA-XAM

# DEFENSE LOGISTICS AGENCY HEADQUARTERS CAMERON STATION CEIVED

ALEXANDRIA, VIRGINIA 22304-6100

May 2 3 12 PM '89

GSA-FEDERAL SUPPLY SERVICE



21 APR 1965

Ms. Mary L. Cunningham
Chief, Information
Collection Management Branch
General Services Administration
Office of Administration
Washington, DC 20405

Dear Ms. Cunningham:

Reference your letter of March 6, 1989, regarding transfer of the National Defense Stockpile (DN) records to the Defense Logistics Agency (DLA).

As requested, enclosure (1) is the signed copies of Standard Forms (SF) 135, Records Transmittal and Receipt which officially transfers custody/accountability of the above referenced records from the General Services Administration to DLA.

The point-of-contact on this matter is Ms. Fredericka Griffith, 274-6234.

Sincerely,

l Encl

PRESTON B. SPEED Chief, Administrative Management Branch Communication of Yall

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135-107

Standard Form 135 (Rev. 7–85) Prescribed by NARA 36 CFR 1228.152 March 6, 1989

Ms. Fredericka Griffith
Records Officer
Defense Logistics Agency - DLA-XAM
Cameron Station, VA 22304-6100

Dear Ms. Griffith:

Reference communication on the transfer of the General Services Administration (CRS), National Defense Stockpile (DN) records to the Department of Defense (DOD), Defense Logistics Agency (DLA-XAM), under Executive Order 12626 dated July 1, 1988, are herewith.

· 10

Although records are not being physically moved at this time, the attached GSA Forms 2039, Files Maintenance Plans, are forwarded with completed Standard Forms 135, Records Transmittal and Receipt, for your signature and receipt to officially transfer custody/accountability from GSA to DLA-XAM. For the number of offices and cubic feet of records involved in the transfer, see attached copy of correspondence from DLA to GSA dated February 22, 1989.

Upon review of the documents enclosed, please sign and forward copies of Standard Forms 135 to this office. If you have any questions or problems, please contact Mae Simms, 535-7938.

Sincerely,

Mary L. Cunningham
Chief,
Information Collection
Management Branch

CAIR

CAIR: MSIMMS: hmj:3/6/89:535-7938



### DEFENSE LOGISTICS AGENCY DIRECTORATE OF STOCKPILE MANAGEMENT WASHINGTON, DC 20405



DLA-NS

2 2 FEB 1989

SUBJECT: Records transfer from GSA to DLA

Ms. Mary Cunningham
Chief, Information Collection
Management Branch
General Services Administration
18th & F Streets, NW
Washington, DC 20405

Dear Ms. Cunningham:

As requested by Mae Simms and Maury Grundy, attached are GSA Form 2039, Files Maintenance Plan, and Standard Form 135, Records Transmittal and Receipt, for transfer of records from GSA to DLA. This transfer is in accordance with Executive Order 12626 dated July 1, 1988.

Other information requested is as follows:

1. Number of offices involved in transfer:

Assistant Commissioner - 1
Divisions - 5
Zone Offices - 3
Depots - 13

2. Cubic feet of files per office:

#### Records Center

Washington Office - 2,915 Zone 1 - 1,753 Zone 3 - 107

#### Files on Hand (includes Active and Historical)

Assistant Commissioner (DN)	3
Stockpile Contracts Division (DNC	411.75
Quality Assurance Division (DNI)	343
Stockpile Operations Division (DN	0) 113
Planning & Market Research (DNP)	150
Systems & Support Division (DNS)	232

#### Zones (including depots)

1	2000-	New York, NY	1,486
2		Hammond, IN	3,020
3		Ft. Worth, TX	145.57

#### 3. DLA records contact:

Ms. Fredericka Griffith
Defense Logistics Agency - DLA-XAM
Cameron Station
Alexandria, VA 22304-6100
Telephone: 274-6234

If you have any questions or comments please contact Cheryl Kates at 523-3984.

Sincerely,

KENNETH P. DAVIS

Acting Chief, Systems and

Support Division

Encl.
As stated

#### Delegated Authority

- (17) Transfer, under the Act of March 4, 1927. Transfers to the Secretary of Agriculture for the purposes of the Act of March 4, 1927, c. 505, 44 Stat. 1442 (20 U.S.C. 191), any land belonging to the United States within or adjacent to the District of Columbia, located along the Anacostia River north of Benning Bridge. (Sec. 1(18) of EO 11609 of July 22, 1971)
- Housing an Urban Development surplus real property within the area of a local project. Transfers or causes to be transferred to the Secretary of Housing and Urban Development any right, title, or interest held by the Federal Government or any department or agency thereof in any land (including buildings thereon) which is surplus to the needs of the government and which is a local public agency certifies will be within the area of a project being planned by it. (Sec. 1(21) of EO 11609 of July 22, 1971) (42 U.S.C. 1458)

Limitations

Not delegated to the Associate Administrator for Operations.

Not delegated to the Associate Administrator for Operations.

(19) Sales of Government-owned rubber producing facilities under the Rubber Producing Facilities Disposal Act of 1953. Administers the contracts for sale of Government-owned rubber producing facilities made pursuant to the Rubber Producing Facilities Disposal Act of 1953 (67 Stat. 408) and disposes of Government-owned rubber producing facilities under the Act, and administers the national security clause contained in said contracts of sale, including necessary inspections of these facilities. (Act of August 30, 1961 (75 Stat. 418)

Not delegated to the Associate Administrator for Operations.

Old Stockpile Cullivities transferred to DOD-7 Feb 88 SFE 2012626 attached

(20) <u>Defense Industrial Reserve</u>

(a) Furnishes utilities and other services to occupants or users of defense industrial reserve plants and surplus property installations. (Sec. 210 (a)(10) (40 U.S.C. 490(a)(10)))

(b) Accepts the transfer of and/or uses, maintains, protects, repairs, restores, renovates, leases, and transfers or disposes of industrial plants and related personal property as authorized or directed by the Secretary of Defense (50 U.S.C. 453) and uses proceeds from insurance to repair or restore damaged defense industrial reserve property. (Sec. 210(a)(11)(40 U.S.C. 490(a)(11)))

4. William Langer Jewel Bearing Plant. Pub. L. 90-469 (82 Stat. 666))

a. Provides for the operation by contract or otherwise, of the William Langer Jewel Bearing Plant;

Not delegated to the Associate Administrator for Operations.

Not delegated to the Associate Administrator for Operations.

CH 15-3

1

Act.

#### Federal Register

Vol. 53, No. 39

Monday, February 29, 1988

### **Presidential Documents**

Title 3—

The President

Executive Order 12626 of February 25, 1988

#### National Defense Stockpile Manager

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.), as amended, section 3203 of the National Defense Authorization Act for Fiscal Year 1988 (Public Law 100-180), and section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. The Secretary of Defense is designated National Defense Stockpile Manager. The functions vested in the President by the Strategic and Critical Materials Stock Piling Act, except the functions vested in the President by sections 7, 8, and 13 of the Act, are delegated to the Secretary of Defense. The functions vested in the President by section 8(a) of the Act are delegated to the Secretary of the Interior. The functions vested in the President by section 8(b) of the Act are delegated to the Secretary of Agriculture.

Sec. 2. The functions vested in the President by section 4(h) of the Commodity Credit Corporation Charter Act, as amended (15 U.S.C. 714b(h)), are delegated to the Secretary of Defense.

Sec. 3. The functions vested in the President by section 204(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 485(f)), are delegated to the Secretary of Defense.

Sec. 4. In executing the functions delegated to him by this Order, the Secretary of Defense may delegate such functions as he may deem appropriate, subject to his direction. The Secretary shall consult with the heads of affected agencies in performing the functions delegated to him by this Order.

Louald Reagan

THE WHITE HOUSE. February 25, 1988.



IFR Doc. 88-4427 Filed 2-26-88: 10:58 aml Billing code 3195-01-M

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(Use Standard Form 135A for continuation sheets)

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(Use Standard Form 135A for continuation sheets) # U.S. GOVERNMENT PRINTING OFFICE: 1961 O -613950

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STANDARD FORM 135 JULY 1961 EDITION			(Use Standard Form 13	5A for continuation sheets)		135–103

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(Use Standard Form 135A for continuation sheets)

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INDARD FORM 135

(Use Standard Form 135A for continuation sheets)

OSAL CARDS PREPARED K2703521 diated FORM 135 £ 60-182 € APRIL 195)
"HIBED" BY GENERAL
CES ADMINISTRATION TRANSMITTAL OF GOVERNMENT RECORDS RECORD GROUP NO. REG. 3-1V-302 INSTRUCTIONS.—Submit this form to your area GSA regional office. When submitting to GSA region 3 office, Washington, D. C. submit an original and two copies. When submitting to other GSA regional offices, submit an original and one copy only. 2. AGENCY WHICH CREATED RECORDS (If different than transferring agency) 1. FROM (Name and address of agency transferring the records) Defense Materials Service Room 1804 - 1114 Commerce Street Dallas 2, Texas 3. AGENCY OFFICIAL AUTHORIZING TRANSFER (Signature) TITLE RECORDS IN TRANSFERRING &GENCY (Name, address, and telepho Hugh T. Insell, Acting Chief, Inspection Division, DMS 3. DESCRIPTION OF RECORDS (With inclusive dates. Use reverse if additional space is required) Box 1 contains SCM Purchase and Service Contracts, DMP Contracts, BSD Contracts. Box 2 contains Missellaneous Correspondence on DMP-105 Mexican Mercury Files. Box 3 contains DMP Contracts, S&CM Cordage Contracts, and S&CM Service contracts. Box #4 contains Miscellaneous Correspondence Files, Forms 333, 1309, 331, Reports, √5 contains Regional Office Reports, Inspection & Testing Files, mandoChassisticade edecido a podración de constante DISPOSAL OF THESE FILES IN ACCORDANCE WITH HANDBOOK OF RECORDS RETENTION AND DISPOSAL. STANDARDS Inclusive years for these files 1950 - 1959. & RESTRICTIONS ON USE OF RECOADS (If no restrictions, write "none") None . 7. ARE THESE RECORDS COVERED BY AM AUTHORIZED DISPOSAL SCHEDULE? 9. CUBIC FEET OF RECORDS DISPOSED OF IN AGENCY 8. CUBIC FEET OF RECORDS TRANSFERRED X YES (If "yes," identify schedule) Records Retention NO Handbook ! IO. SQUARE FEET OF SPACE RELEASED LOCATION Office Inspection Division, DMS - GSA 5-1 1114 Commerce Street, Dallas 2, Texas 11. FILING EQUIPMENT (Enter, where applicable, quantity of each type): FILING CABINETS TRANSFER CASES THE WARRY OTHER (Specily) STECL WOOD STEEL drawers EMPTIED AND RETAINED AT AGENCY RECORDS SHIPPED IN TO BE RETURNED CUBIC FEET OF SHELVING EMPTICD AT AGENCY DO NOT WRITE BELOW THIS LINE October 12 DESCRIBED RECORDS WERE RECEIVED DAMAGED CONTAINERS, ETC. PUSIED

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FEDERAL RECORDS CENTER ADDRESS

424 W. Vickery, Fort Worth 4. Tex

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As shown in FPMR 101-11 2. AGENCY TRANSFER AUTHOR IZATION 3. AGENCY CONTACT	TRANSFERRING AGENCY OFFICIAL ASSOCIATION Sed title	MORI DATE 9/11/80	(5. FROM (Enter the name and complete mailing address of the office retiring the records of this form will be sent to this address)  General Services Administration  26 Federal Plaza Room 19-116  Office of Stockpile Management, FPE  New York, New York 10278	•
4. RECORDS CENTER RECEIPT	Regional Records Officer 212-264-8260 RECORDS RECEIVED BY ISignature and title;  Theatrecan Enfeth  Manny analysis That A	DATE 4/11/89		Fold line

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Standard Form 135 (Rev. 6–76) Prescribed by GSA FPMR (41 CFR) 101–11.4

STANDA	RD FORM 135
	EDITION SERVICES ADMIN. CFR) 101-11.4

#### **RECORDS TRANSMITTAL** AND RECEIPT

TO BE COMPLETED AT FEDERAL RECORDS CENTER ACCESSION NO.

RECORD GROUP NO.

d: 1

INSTRUCTIONS

Send original and two copies to appropriate Federal Records Center.

Federal Records Center, GSA Bldg 22

Military Ocean Terminal

Bayonne, NJ 07002

FROM: (Name and address of Agency transferring records) GSA Zone 1 QAB/OSM/FPRS

26 Federal Plaza New York, NY 10278

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United Mineral & Chemical (UMC)

Associated Commodity Corp.

Mica Resiglass, Inc. Cornell Dubilier

Paramount Corp.

Mica Sales FY 77

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STANDARD FORM 135 JULY 1961 EDITION

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(Use Standard Form 135A for continuation sheets)

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Standard Form 135 (Rev. 6-76) Prescribed by GSA FPMR (41 CFR) 101-11.4

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As shown in FPMR 101-11.110-1 Bayonne, N.J. 07002  2. AGENCY TRANSFERRING AGENCY OFFICIAL (Signature and title) TRANSFER AUTHOR. D. HAYWARD Chief, Inspection Branch  5/3//78						5/3//18	General Services Administration FSS/PMD Inspection Branch (2FJI) 26 Federal Plaza Room 19-116 New York, N.Y. 10007				
3. AGEI	TACT	S.R	Ruggier	-о	fficer 212-264-82						
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Standard Form 135 (Rev. 6-76)
Prescribed by GSA

RECOR	DS TRANSMITTAL AND R	ECEIPT Complete and approval prior	send original a to shipment of	nd two copies of records. See sp	this	form to the appropriate instructions on reverse	Federal Reco	ords Center for PAG	E	
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#### RECORDS TRANSMITTAL AND RECEIPT

TO BE COMPLETED AT FEDERAL RECORDS CENTER ACCESSION NO.

SIGNATURE

RECORD GROUP NO.

137

DATE RECORDS RECEIVED

#### INSTRUCTIONS

Send original and two copies to appropriate Federal Records Center.

Federal Records Center, GSA Bldg 22 - Military Ocean Terminal Bayonne, NJ 07002

FROM: (Name and address of Agency transferring records) General Services Administration FSS Property Mgmt. Div., Inspection Br. 26 Federal Plaza, New York, N.Y.

I. CITE SECURITY CLASSIFICATION AND/OR RESTRICTION ON LISE OF RECORDS, IF ANY Restricted to Custodian of Records and Branch Chief. PND Inspection Branch and authorized personnel of GSA

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Mary O'Neill Records Liason Officer			26 Federal Pl	aza,N.Y. 28th	flr. 264-2643
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2-FJ1-1 thru 2-FJI-15 FEDERAL SUPPLY SERVICE, GSA REGION 2

Commodity and Material Inspection Case Files

Contracts, Expediters Reports, Commodity Inspection Reports, Service Contracts, Notice of Inspection, Correspondence and other documents pertaining to Inspection of Commodities and Materials.

OAD P 1820.2 31C1

Note - Hold until January 1980 and request authoriza

(Use Standard Form 135A for continuation sheets)

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STANDARD FORM 135 JULY 1961 EDITION

(Use Standard Form 135A for continuation sheets)

135-103

STANDARD FORM 135 JULY 1961 EDITION Folder #1

(Use Standard Form 135A for continuation sheets)

\*To be Consolidated Upon Final Report.

#3 = #4 = #5 = #6 = #7

#2

135-103

STANDARD FORM 135 APRIL 1853 PRESCRIBED BY GENERAL SERVICES ADMINISTRATION REG. 3-IV-302 133-102

### TRANSMITTAL OF GOVERNMENT RECORDS

RECORD GROUP NO.

INSTRUCTIONS .- Submit this form to your area GSA regional office. When submitting to GSA region 3 office, Washington, D. C., submit an original and two copies. When submitting to other GSA regional offices, submit an original and one copy only.

TITLE

1. FROM (Name and address of agency transferring the records) GEA-IMS-IMSPECTION DIVISION, MICA UNIT, MARBORSIDE WAREHOUSE,

2. AGENCY WHICH CREATED RECORDS (If different than transferring agency)

34 EICHANGE PLACE, JERSEY CITY, 3. AGENC OFFICIAL AUTHORIZING TRANSFER (Signature)

DATE

MICA SPECIALIST

4. CUSTODIAN OF RECORDS IN TRANSFERRING AGENCY (Name, address, and telephone number)

#### MORKAN HAIKHYON

DESCI	RIPTIO	N OF RECO	RDS (W	lith	inclusive dates. Use reverse if additional space is requ	ired)			Retention Period
MQ	-1	thru	16	Sper	SCM Contracts and Folders		1956/1958	-	5 years
	17		18	489	Mica Grading Reports		1956/1958	•	5
	19		20	<b>es</b>	Misc. Correspondence	<b>10</b>	1948/1956	**	6 4
	21	<b>489</b>	65		Monthly Rica Inventory and Inspection. Inventory.		1953/1958	•	ς .
	22	<b>X</b>	2/1	-	Retired Mica Inventory Records		1953/1960	60°	5
	25		28	**	Completed Contracts and Work Folders (C.C.C.)		1956/1960	-	5 .
8	29	<b>49</b>	440	40	Weekly Activity Reports		1954/1960		5 .
-	双		400	400	Inspection Peports (S.C.M.)		1956/1950	499	5 7
	I	thru	32	49	Work Folders.	449	1954/1959	60	
*	33	*	do	490	Miscellaneous Correspondence.	<b>6</b> 8	1953/1959	•	6 •
	J.		469	489	C.C.C. Inventory Records.	<b>68)</b>	1957/1958	80)	
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STANDARD FORM 135 APRIL 1953
PRESCRIBED BY GENERAL
SERVICES ADMINISTRATION
REG. 3-1Y-302 TRANSMITTAL OF GOVERNMENT RECORDS INSTRUCTIONS.—Submit this form to your area GSA regional office. When submitting to GSA region 3 office, Washington, D. C., submit an original and two copies. When submitting to other GSA regional offices, submit an original and one copy only. 2 AGENCY WHICH CREATED RECORDS (If different than transferring agency) 1. FROM (Name and address of agency transferring the records) General Services Administration Defense Heterials Service, Storage Mivinion 250 Radoca Street, New York 13, New York DATE 3. AGENCY OFFICIAL AUTHORIZING TRANSFER (Signature) 4. CUSTODIAN OF RECORDS IN TRANSFERRING AGENCY (Name, address, and telephone number) .... 5. DESCRIPTION OF RECORDS (With inclusive dates. Use reverse if additional space is required) Storege and Distribution Files, Transportation Documents for Yarlous Warehouses for the Years 1952, 1953, 1954, 1955, 1996 and 1957. Records Retention and Dismosel Handbook DOAP 1868. & RESTRICTIONS ON USE OF RECORDS (If no restrictions, write "none") Release only to specifically unthorized personnel of ING-96A. 9. CUBIC FEET OF RECORDS DISPOSED 7. ARE THESE RECORDS COVERED BY AN AUTHORIZED DISPOSAL SCHEDULE? & CUBIC FEET OF RECORDS TRANSFERRED YES (If "yes," identify schedule) 10. SQUARE FEET OF SPACE RELEASED LOCATION Office 13th Floor, File Section Bay, Yest Midd. Storage 2 m. ff. 250 Balson Street, New York 13, N.Y. 11. FILING EQUIPMENT (Enter, where applicable, quantity of each type): FILING CABINETS TRANSFER CASES STEEL STEFT. woon WOOD EMPTIED AND RETAINED AT AGENCY RECORDS SHIPPED IN TO BE RETURNED CUBIC FEET OF SHELVING EMPTIED AT AGENCY DO NOT WRITE BELOW THIS LINE THE ABOVE-DESCRIBED RECORDS WERE RECEIVED SHORTAGES, DAMAGED CONTAINERS, ETC. SIGNATURE TITLE FEDERAL RECORDS CENTER ADDRESS U. S. GOVERNMENT PRINTING OFFICE

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STANDARD FORM 135
APRIL 1853
PRESCRIBED BY GENERAL
SERVICES ADMINISTRATION
REG. 3-1V-502

# TRANSMITTAL OF GOVERNMENT RECORDS

ACCESSION NO. RECORD GROUP NO.

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NSTRUCTIONS.—Submit t ubmit an original and two co	his form to you	area GSA regional o	ffice. When subm	itting to GSA reg	on 3 office, and one co	Washington, D. C.,
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STANDARD FORM 135
APRIL 1933
PRESCRIBED BY GENERAL
SERVICES ADMINISTRATION
REG. 3-IV-302

### TRANSMITTAL OF GOVERNMENT RECORDS

DO NOT USE THIS BOX

ACCESSION NO.

6/4-/25

RECORD GROUP NO.

INSTRUCTIONS.—Submit this form to your area GSA regional office. When submitting to GSA region 3 office, Washington, D. C., submit an original and two copies. When submitting to other GSA regional offices, submit an original and one copy only.

1. FROM (Name and address of agency transferring the records) L AGENCY WHICH CREATED RECORDS (If different than transferring agency) ORMERAL SERVICES ADMINISTRATION Defense Materials Service, Inspection Division 250 Rudson Street New York 13. N. Y.
3. AGENCY OFFICIAL AUTHORIZING TRANSFER (Signature) DATE un /albor Ann Talbott, RRM Program Representative Administrative Assistant AUGUST 10. CUSTODIAN OF RECORDS IN TRANSFERRING AGENCY (Name, address, and telephone number) 8. DESCRIPTION OF RECORDS (With inclusive dates. Use reverse if additional space is required) COMMODITY AND MATERIALS INSPECTION CASE FILES - Records Retention and Disposal Standards PART V, 5-5: Subsection 2 d. (NO documents removed) CONTAINERS NUMBERED 2MQ-1, 2, 1h, 15, INSPECTORS! FILES 16.17 and 19 CONTAINERS NUMBERED 200-3, \$1, 5, 6, 7, MASTER FILES 8, 9, 10, 11, 12, 13, 19 and 20 24Q-3 through 13: Subsection 20 240-19 and 20: As indicated each container or file Since Inspection Division, Defense Materials Service contracts cover such widely varying periods of time, from "spot" delivery to six years, please consider June 30, 1960 as "closing date" for all contracts included in this accession. 8. RESTRICTIONS ON USE OF RECORDS (If no restrictions, write "none") All programs restricted to persons authorised by General Services Administration. 7. ARE THESE RECORDS COVERED BY AN AUTHORIZED DISPOSAL SCHEDULE? 8. CUBIC FEET OF RECORDS TRANSFERRED YES (If "yes," identify schedule) RRADS PART V AND PART NO MAL 7.75 10. SQUARE FEET OF SPACE RELEASED LOCATION Office Storage 11. FILING EQUIPMENT (Enter, where applicable, quantity of each type): FILING CABINETS TRANSFER CASES OTHER STEEL STEEL EMPTIED AND RETAINED AT AGENCY RECORDS SHIPPED IN DC Cardboar TO BE RETURNED Ecma CUBIC FEET OF SHELVING EMPTIED AT AGENCY DO NOT WRITE BELOW THIS LINE THE ABOVE-DESCRIBED RECORDS WERE RECEIVED SHORTAGES, DAMAGED CONTAINERS, ETC. FEDERAL RECORDS CENTER ADDRESS U. S. GOVERNMENT PRINTING OFFICE

STANDARD FORM 135 APRIL 1953
PRESCRIBED BY GENERAL
SERVICES ADMINISTRATION
REG. 3-IV-302 61 TRANSMITTAL OF GOVERNMENT RECORDS RECORD GROUP NO INSTRUCTIONS .- Submit this form to your area GSA regional office. When submitting to GSA region 3 office, Washington, D. C., submit an original and two copies. When submitting to other GSA regional offices, submit an original and one copy only. 2. AGENCY WHICH CREATED RECORDS (If different than transferring agency) 1. FROM (Name and address of agency transferring the records) General Services Administration Inspection Division, IMS 250 Hudson Street, 13th Floor, New York 13. 3. AGENCY OFFICIAL AUTHORIZING TRANSFER (Signature) DATE Ann Talbott Records Liaison Officer October 27, 1960 4. CUSTODIAN OF RECORDS IN TRANSFERRING AGENCY (Name, address, and telephone number) 8. DESCRIPTION OF RECORDS (With inclusive dates. Use reverse if additional space is required) Steamer Hamifests - Crude Rubber Program - period Jan. 1, 1951/June 30, 1952. (Folders show names of Steamships on which GSA received rubber from Far East.) A. RESTRICTIONS ON USE OF RECORDS (If no restrictions, write "none") MESTRICIED to GSA personnel. 7. ARE THESE RECORDS COVERED BY AN AUTHORIZED DISPOSAL SCHEDULE? 9. CUBIC FEET OF RECORDS DISPOSED OF IN AGENCY 8. CUBIC FEET OF RECORDS TRANSFERRED YES (If "yee," identify echedule) REED Standards PART V Section 5-5, Par 6. 18. SQUARE FEET OF SPACE RELEASED LOCATION Office B th Floor North, 250 Hudson Street, NYC 13 Storade in custody of TPUS approx 2-3/4 11. Filing EQUIPMENT (Enter, where applicable, quantity of each type): FILING CABINETS TRANSFER CASES STEEL WOOD STEEL WOOD EMPTIED AND RETAINED AT AGENCY RECORDS SHIPPED IN TO BE RETURNED CUBIC FEET OF SHELVING EMPTIED AT AGENCY NOT WRITE BELOW THIS LINE THE ABOVE-DESCRIBED RECORDS WERE RECEIVED SHORTAGES, DAMAGED CONTAINERS, ETC.

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FEDERAL RECORDS CENTER ADDRESS 641 Nichington Street

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STANDARD FORM 135

APRIL 1953

PRESCRIBED BY GENERAL
SERVICES ADMINISTRATION
REG. 3-IV-302

### TRANSMITTAL OF GOVERNMENT RECORDS

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ACCESSION NO.

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RECORD GROUP NO.
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INSTRUCTIONS.—Submit this form to your area GSA regional office. When submitting to GSA region 3 office, Washington, D. C., submit an original and two copies. When submitting to other GSA regional offices, submit an original and one copy only. CENERAL SERVICES ADMINISTRATION 2. AGENCY WHICH CREATED RECORDS (If different than transferring agency) Defense Magerials Service, Inspection Div. 250 Rudson Street, New York 13. N. Y. 3. AGENCY OFFICIAL AUTHORIZING TRANSFER (Signature) DATE un Talbott Ann Talbott, RRM Program Representative Administrative Assistant July 1, 1959 4. CUSTODIAN OF RECORDS IN TRANSFERRING AGENCY (Name, address, and telephone number) AL 5-1300 George W. Boyle, Chief, Administrative Division, CSA 250 Hudson Street, 2nd Floor New York 13, 'N. Y. S. DESCRIPTION OF RECORDS (With inclusive dates. Use reverse if additional space is required) Commodity and Materials Inspection Case Files: (See individual DATE references on SF 134) RR&DS Part V 5-5, 2b Master Piles: Inspector Master Files: Agency Cartons 2MQ-7, part of -8, -9, -10, -11, -12,-13,-14, -15, -16, -17, -19, and -23. 2MQ-1, -2, -3, -4, -5, -6, -20, -21 and -22. Inspector Files: Time and Activity Records and Reports: Part V 5-5, par. 5 Employee Travel Files: Art III AO, par. 9 Commandity and Materials Inspection - Control Record Cards: Part ▼ 5-5, 2b. Carton 21Q-23. & RESTRICTIONS ON USE OF RECORDS (If no restrictions, write "none") All programs restricted to persons authorised by General Services Administration. 7. ARE THESE RECORDS COVERED BY AN AUTHORIZED DISPOSAL SCHEDULE?

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STANDARD FORM 135

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STANDARD FORM 135 DO NOT USE PRESCRIBED BY GENERAL SERVICES ADMINISTRATION REG. 3-IV-302 ACCESSION NO TRANSMITTAL OF GOVERNMENT RECORDS Di RECORD GROUP NO. INSTRUCTIONS.—Submit this form to your area GSA regional office. When submitting to GSA region 3 office, Washington, D. C., submit an original and two copies. When submitting to other GSA regional offices, submit an original and one copy only. 1. FROM (Name and address of agency transferring the records) 2. AGENCY WHICH CREATED RECORDS (If different than transferring agency) eral Services Administration Infense Materials Service-Storage Division (SAME) 250 Budgeon St., New York 13, 1 3. AGENCY OFFICIAL AUTHORIZING TRANSFER (Signature) DATE e saka Chief, Storage Myleion 4. CUSTODIAN OF RECORDS IN TRANSFERRING AGENCY (Name, address, and telephone number) 5. DESCRIPTION OF RECORDS (With inclusive dates. Use reverse if additional space is required) Records Retention and Misposal Standards PART V, 5-6-7-8. Stockaile meterial Purchase Contracts and Shipping documents Sales Contracts and Releases Everysted Commercial Whee. Contract Files - Rubber transfer "Request" files, Rec'g. & Outbound Storage Reports. Storage involess and controls (Detailed on Pages 1 through 23 stteched) Since Storage Division, IMS contracts cover such widely varying periods of time from "spot" delivery to six years, please consider December 31, 1959 as "closing date" for all contracts included in this accession. Note: These records are to be stored in the security area - "CONFIDENTIAL" 8. RESTRICTIONS ON USE OF RECORDS (If no restrictions, write "none") Release only to specifically authorized personnel of DES-CSA. 7. ARE THESE RECORDS COVERED BY AN AUTHORIZED DISPOSAL SCHEDULE? 9. CUBIC FEET OF RECORDS DISPOSED OF IN AGENCY 8. CUBIC FEET OF RECORDS TRANSFERRED YES (If "yes," identify schedule) 113 69 10, SQUARE FEET OF SPACE RELEASED LOCATION 13th Floor - File Section Day - West Bldg. Office Storage 250 Budson St., N.Y.C. 40 sq. ft. 11. FILING EQUIPMENT (Enter, where applicable, quantity of each type): FILING CABINETS TRANSFER CASES OTHER (Specify) STEEL. STEEL WOOD WOOD EMPTIED AND RETAINED AT AGENCY 30 Corr. Carto RECORDS SHIPPED IN TO BE RETURNED CUBIC FEET OF SHELVING EMPTIED AT AGENCY DO NOT WRITE BELOW THIS LINE THE ABOVE-DESCRIBED RECORDS WERE RECEIVED SHORTAGES, DAMAGED CONTAINERS, ETC. SIGNATURE FEDERAL RECORDS CENTER ADDRESS TITLE U. S. SOVERNMENT PRINTING OFFICE 16-68454-1

STANDARD FORM 135

DO NOT USE THIS BOX

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Defense Materia 250 Hudson Street	et, New York		\Jan	<i>ia )</i>	•
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Ann B. Talbott	Anni B-7	Talbott nec	ords Liaison Of	ficer, DMS	May: 4, . 1961
CUSTODIAN OF RECORDS IN TRAI	NSFERRING AGENCY (Nam	e, address, and telephor	ne number)		
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### General Services Administration Office of Administration Washington, DC 20405



March 6, 1989

Ms. Fredericka Griffith
Records Officer
Defense Logistics Agency - DLA-XAM
Cameron Station, VA 22304-6100

Dear Ms. Griffith:

Reference communication on the transfer of the General Services Administration (GRS), National Defense Stockpile (DN) records to the Department of Defense (DOD), Defense Logistics Agency (DLA-XAM), under Executive Order 12626 dated July 1, 1988, are herewith.

Although records are not being physically moved at this time, the attached GSA Forms 2039, Files Maintenance Plans, are forwarded with completed Standard Forms 135, Records Transmittal and Receipt, for your signature and receipt to officially transfer custody/accountability from GSA to DLA-XAM. For the number of offices and cubic feet of records involved in the transfer, see attached copy of correspondence from DLA to GSA dated February 22, 1989.

Upon review of the documents enclosed, please sign and forward copies of Standard Forms 135 to this office. If you have any questions or problems, please contact Mae Simms, 535-7938.

Sincerely,

Many I. Cunningham Chief.

Information Collection Management Branch

Enclosures



# DEFENSE LOGISTICS AGENCY DIRECTORATE OF STOCKPILE MANAGEMENT WASHINGTON, DC 20405



DLA-NS

2 2 FEB 1989

SUBJECT: Records transfer from GSA to DLA

Ms. Mary Cunningham
Chief, Information Collection
Management Branch
General Services Administration
18th & F Streets, NW
Washington, DC 20405

Dear Ms. Cunningham:

As requested by Mae Simms and Maury Grundy, attached are GSA Form 2039, Files Maintenance Plan, and Standard Form 135, Records Transmittal and Receipt, for transfer of records from GSA to DLA. This transfer is in accordance with Executive Order 12626 dated July 1, 1988.

Other information requested is as follows:

1. Number of offices involved in transfer:

Assistant Commissioner - 1
Divisions - 5
Zone Offices - 3
Depots - 13

2. Cubic feet of files per office:

### Records Center

Washington Office - 2,915 Zone 1 - 1,753 Zone 3 - 107

### Files on Hand (includes Active and Historical)

Assistant Commissioner (DN)	3
Stockpile Contracts Division (DNC)	411.75
Quality Assurance Division (DNI)	343
Stockpile Operations Division (DNO)	113
Planning & Market Research (DNP)	150
Systems & Support Division (DNS)	232

### Zones (including depots)

1	 New York, NY	1,486
2	 Hammond, IN	3,020
3	 Ft. Worth, TX	145.57

#### 3. DLA records contact:

Ms. Fredericka Griffith Defense Logistics Agency - DLA-XAM Cameron Station Alexandria, VA 22304-6100 Telephone: 274-6234

If you have any questions or comments please contact Cheryl Kates at 523-3984.

Sincerely,

KENNETH P. DAVIS

Acting Chief, Systems and

Support Division

Encl. As stated March 14, 1989

Mr. Kenneth P. Davis
Acting Chief, Systems and
Support Division
Defense Logistics Agency (DLA-NS)
18th & F Streets, NW
Washington, DC 20405

Dear Mr. Davis:

The transfer of the General Services Administration's National Defense Stockpile (DN) records to the Department of Defense, Defense Logistics Agency (DLA), has been completed. I would like to take this opportunity to call to your attention the efforts of Ms. Cheryl Kates, whose hard work and perseverance enabled my staff to complete the transfer successfully and without undue delay. Employees such as she will be missed by GSA.

Sincerely,

Mary L. Cunningham

Chief,

Information Collection

Management Branch

cc: OF/RF - CAIR

CAIR:MGrundy:mrg:3/14/89 (dla.letter)

This appendix gives maintenance and disposition instructions for records created in accounting for, and maintaining a perpetual central inventory of, stockpile materials. These include materials acquired, transferred, donated, or sold as a result of the Strategic and Critical Materials Stockpiling Act, as amended; the Defense Production Act of 1950, as amended; the Agricultural Act of 1954; the Agricultural Act of 1956; the Federal Property Act, as amended; and domestic purchase programs authorized by the Congress.

STULLINE PANIL 1111 2-89

Appendix 16-H. Stockpile Inventory Accounting Files

1 and 2

6H1. Withdrawn by CHGE 16.

16H2 - 16H4. Reserved.

16H5. Material control accounts (NC1-269-26-1). Documents reflecting the control accounts for each type of material under each stockpile program except the Defense Production Act (DPA) program. They provide data for manually prepared reports and are used to reconcile general ledger accounts and inventory accounts. Included are cards and related records.

Cut off when material on card is removed from stockpile, hold 5 years, and destroy.

16H6 - 16H9. Reserved.

16H10. Manually prepared stockpile reports (NC1-269-30-1). Documents created to provide computed stockpile data or analyses and financial data not included in the computer system. Included are analyses of inventories; inventories of Commodity Credit Corporation (CCC) material in custody of GSA; reports of U.S. supplemental stockpile material; inventories of DPA materials; inventories of upgraded strategic and critical materials; and supporting data, but not source data files described elsewhere in this appendix.

Destroy when superseded or obsolete.

16H11 - 16H14. Reserved.

- 16H15. Stockpile computer reports and listings (NC1-269-80-1). Machine reports and listings reflecting inventory data developed from current transactions. Descriptions of, and disposition instructions for, these files are as follows:
- a. Tonnage acquired and disposed of during current month (NC1-269-86-1). This report shows the bulk weight for acquisitions and disposals processed by commodity and program.

Cut off annually, hold 5 year, and desthoy.

- b. Summary report of inventories in storage (NC1-269-26-1). This is a monthly report showing current balances in storage by material, grade, location, program, and class.
  - (1) December report, hold for life of the stockpile inventory program and retire. Destroy when 7 years old.
  - (2) January through November reports. Cut off annually, hold 3 years, and destroy.

Appendix 16-H

- c. Quarterly MIF report (NC1-269-80-1). The master inventory file report contains the name and code identification for each stockpile item. Each item is listed by material, location, program, class, stockpile number, analytical data, contract number, and lot number.
  - (1) Report for quarter ending fiscal year: Hold 2 years and retire. Destroy after 3 additional years.
  - (2) Report for quarter ending December 31: Hold 2 years and destroy.
  - (3) Report for quarters ending March 31 and June 30: Hold 6 months and destroy.
- d. Stockpile computer listings (NC1-269-20-1). Documents reflecting transactions and account balance listings used in verifying and correcting transactions in the inventory accounting system. Included are monthly transaction registers, monthly active record balances, monthly sales commitment balance, available for sales listings, and related records.

Cut off annually, hold 3 years, and destroy.

16H16 - 16H19. Reserved.

16H2O. Stockpile survey reports (NC1-269-20-1). Documents accumulated as a result of surveys of storage locations. Included are survey reports and related records.

Cut off annually after completing the next identical survey or evacuating the storage location, hold 1 year, and destroy.

16H21 - 16H24. Reserved.

16H25. Withdrawn by CHGE 16.

16H26 - 16H29. Reserved.

16H30. Withdrawn by CHGE 16.

16H31 - 16H34. Reserved.

16H35. Transfer files (NC1-269-0-1). Documents showing the transfer of CCC-owned material to S&CM U.S. Supplemental (USS). Included are copies of contracts, invoices, weight certificates, marine insurance certificates used to verify quantities acquired by CCC and in custody of GSA for transfer to S&CM.

Appendix 16-H

Cut off annually after the transfer of all material of that kind and grade hold 5 years, and destroy.

16H36 - 16H39. Reserved.

16H40. Withdrawn by CHGE 16.

16H41 - 16H44. Reserved.

16H45. Rubber and fiber release files (NC1-269-20-1). Documents showing the release of rubber and fibers from the stockpile. Included are release forms, release amendments, cancellations, and related records.

Cut off annually, hold 2 years, and destroy.

16H46 - 16H49. Reserved.

16H50. Shipping instruction files (NC1-269-10-1). Documents showing the shipment of stockpile materials out of storage locations. They are used in verifying receiving and outbound storage reports. Included are shipping instructions; amendments, cancellations; shipping orders; and related records.

Cut off annually, hold 2 years, and destroy.

16H51 - 16H54. Reserved.

16H55. Batch controls (NC1-269-10-1) Documents used to transmit coded data for keypunching and machine processing and to verify the data recorded on tape. Included are batch controls sheets and batch listings of current transactions.

Place in an inactive file after disposing of material, cut off inactive file annually, hold 3 years, and destroy.

16H56 - 16H59. Reserved.

16H60. Inventory document block ticket files (NC1-269-20-1). Documents showing quantities and dollar values of sales or comparable transactions. They are used to control documents sent to the billing section or other units and to post totals manually entered in the material control accounts. Included are block tickets and related records.

Cut off annually, hold 3 years, and destroy.

16H61 - 16H64. Reserved.

Appendix 16-H

OAD P 1820.2 CHGE

16.

16H65. Receiving report files (NC1-269-20-1). Documents showing the receipt of kinds and grades of stockpile materials. They support stockpile transactions entered into the inventory accounting system. Included are receiving reports, reports of discrepancies in shipments, weight certificates, analysis reports, and related records.

Cut off after evacuating the storage location or disposing of material. Hold 2 years and retire.

Destroy when 8 years old.

16H66 - 16H69. Reserved.

17.

16H70. Outbound storage reports files (NC1-269-80-1) Reports reflecting outshipments of stockpile materials from storage locations. They are verified with receiving reports to support entries in the inventory accounting system and to permit manual development of inventories at storage locations.

Place in an inactive file after evacuating the storage location or disposing of the commodities. Cut off inactive file annually, hold 2 years, and retire. Destroy when 8 years old.

16H71 - 16H74. Reserved.

18.

16H75. DPA ledger cards (NC1-269-20-1) Documents showing the quantity and value of acquisitions, sales, cost of sales, adjustments, and inventory balances of material by commodity and contract number acquired under the Defense Production Act of 1950, as amended. Included are cards and related records.

Cut off after disposing of material relating to contract, hold 2 years, and retire. Destroy when 7 years old.

### FEDERAL PROPERTY RESOURCES SERVICE

#### Commissioner D

Program Support Office DA DAA Administrative Management Division Administrative Services Branch DAAA DAAC Coordination and Support Branch Financial Management Division DAF Budget Execution and Control Branch DAFE DAFF Budget Formulation Branch . DAP Management Planning and Review Division DD Deputy Commissioner DN Office of National Defense Stockpile DNC Stockpile Contracts Division DNCM Disposal Branch DNCS Acquisition Branch Quality Assurance Division DNI DNIP Procedures and Operations Branch Technical and Commodities Branch DNIT DNO Storage Operations Division DNOC Commodities and Projects Operations Branch DNOP Facilities Operations Branch DNP Planning and Market Research Division Systems and Support Staff DNS Stockpile Zone Office, Zone 1 DN-2(Includes Regions W, 1, 2, and 3) DNI-2Quality Assurance Branch

Quality Assurance Field Offices:

DNI-2-CB Curtis Bay, MD .DNI-2-NB New Bedford, MA DNI-2-PP Point Pleam DNI-2-SC Scotia, NY Point Pleasant, WV Somerville, NJ DNI-2-SD DNI-2-SE Seneca, NY

Appendix A

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DNO-2
            Storage Branch
              Storage Depots:
DNO-2-BI
                Binghamton, NY
                Curtis Bay, MD
DNO-2-CB
DNO-2-NB
                New Bedford, MA
DNO-2-PP
                Point Pleasant, WV
DNO-2-SC
                Scotia, NY
DNO-2-SD
                Somerville, NJ
DN-5
            Stockpile Zone Office, Zone 2
            (Includes Regions 5 and 6)
DNI-5
            Quality Assurance Branch
              Quality Assurance Field Offices:
DNI-5-NH
                New Haven, IN
DNI-5-WA
                Warren, OH
DNO-5
            Storage Branch
              Storage Depots:
DNG-5-HA
                Hammond, IN
DNO-5-NH
                New Haven, IN
DNO-5-SH
                Sharonville, OH
DNO-5-TO
                Topeka, KS
DNO-5-WA
                Warren, OH
DN-7
            Stockpile Zone Office, Zone 3
            (Includes Regions 4, 7, 8, 9, and 10)
DNI-7
            Quality Assurance Branch
              Quality Assurance Field Offices:
DNI-7-B
               Baton Rouge, LA
DNI-7-C
               Clearfield, UT
DNI-7-G
               Gadsden, AL
DNI-7-S
               Stockton, CA
DNO-7
           Storage Branch
             Storage Depots:
DNO-7-B
               Baton Rouge, LA
DNO-7-C
               Clearfield, UT
DNO-7-G
               Gadsden, AL
DNO-7-S
               Stockton, CA
DR
           Office of Real Estate Policy and Sales
DRO
           Operations Division
DROD
             Disposal Branch
DRON
             National Programs Branch
DRP
           Policy and Planning Division
DRS
           Surveys and Compliance Division
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Appendix A

## OFFICE OF GENERAL COUNSEL

Ĺ	Office of the General Counsel
LA	Executive Office
LG	General Law Division
LL	Deputy General Counsel
LP	Personal Property Division
LR	Real Property Division

Appendix A

25 and 26

### PUBLIC BUILDINGS SERVICE

P	Commissioner
PF PFB PFBO PFBP PFBR PFD PFF	Office of the Executive Director Budget Division Operations Branch Resources Control Branch Capital Projects Branch Deputy Executive Director Financial Management Division Operations Division
PG	Office of Governmentwide Real Property Policy and Oversight
PGC PGD	Customer Outreach Staff Delegations Division
PGG	Governmentwide Policy Division
PK PKA	Office of Real Property Information Systems Systems Policy and Planning Division
PKE	Technical Design and Engineering Division
PKK	Functional Design Division
PKG	Software Development Division
PKO	Computer Equipment and Operations Division
PL	Office of Facility Planning
PLP	Policy Review and Analysis Division
PLE	Project Development Division - East Project Development Division - West
ЪЃМ	-
PM	Office of Real Property Management and Safety
PMF	Facility Management Division
PMFC	Concessions Branch
PMFM	Buildings Maintenance Branch
PMFS PML	Buildings Services Branch Law Enforcement Division
PMP	Program Performance and Analysis Division
PM PO	Regional Evaluation Branch
PMPP	Performance Analysis Branch
* * * * *	

PMS Safety and Environmental Management Division PMSE Environmental Management Branch PMSF Fire Prevention Engineering Branch PMSO Occupational Safety Branch  PP Office of Procurement PPB Contract Policy Division PPC Contract Management Division PPD Deputy Assistant Commissioner PPR Rate Case Division PPU Public Utilities Service Division  PQ Office of Real Property Development PQD Deputy Assistant Commissioner PQB Building Technology and Standards Division PQC Construction Program Division PQC Operations and Evaluation Division PQJ International Projects Office POP Acquisition Policy Division	PMR	Repair and Alteration Division
PMSF Fire Prevention Engineering Branch  PMSO Occupational Safety Branch  PP Office of Procurement  PPB Contract Policy Division  PPC Contract Management Division  PPD Deputy Assistant Commissioner  PPR Rate Case Division  PPU Public Utilities Service Division  PQ Office of Real Property Development  PQD Deputy Assistant Commissioner  PQB Building Technology and Standards Division  PQC Construction Program Division  PQE Operations and Evaluation Division  PQJ International Projects Office	PMS	Safety and Environmental Management Division
PMSO Occupational Safety Branch  PP Office of Procurement  PPB Contract Policy Division  PPC Contract Management Division  PPD Deputy Assistant Commissioner  PPR Rate Case Division  PPU Public Utilities Service Division  PQ Office of Real Property Development  PQD Deputy Assistant Commissioner  PQB Building Technology and Standards Division  PQC Construction Program Division  PQC Operations and Evaluation Division  PQJ International Projects Office	PMSE	
PP Office of Procurement PPB Contract Policy Division PPC Contract Management Division PPD Deputy Assistant Commissioner PPR Rate Case Division PPU Public Utilities Service Division  PQ Office of Real Property Development PQD Deputy Assistant Commissioner PQB Building Technology and Standards Division PQC Construction Program Division PQC Operations and Evaluation Division PQJ International Projects Office	PMSF	Fire Prevention Engineering Branch
PPB Contract Policy Division PPC Contract Management Division PPD Deputy Assistant Commissioner PPR Rate Case Division PPU Public Utilities Service Division  PQ Office of Real Property Development PQD Deputy Assistant Commissioner PQB Building Technology and Standards Division PQC Construction Program Division PQC Operations and Evaluation Division PQJ International Projects Office	PMSO	Occupational Safety Branch
PPB Contract Policy Division PPC Contract Management Division PPD Deputy Assistant Commissioner PPR Rate Case Division PPU Public Utilities Service Division  PQ Office of Real Property Development PQD Deputy Assistant Commissioner PQB Building Technology and Standards Division PQC Construction Program Division PQC Operations and Evaluation Division PQJ International Projects Office		
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PPD Deputy Assistant Commissioner PPR Rate Case Division PPU Public Utilities Service Division  PQ Office of Real Property Development PQD Deputy Assistant Commissioner PQB Building Technology and Standards Division PQC Construction Program Division PQE Operations and Evaluation Division PQJ International Projects Office	PPB	
PPR Rate Case Division PPU Public Utilities Service Division  PQ Office of Real Property Development PQD Deputy Assistant Commissioner PQB Building Technology and Standards Division PQC Construction Program Division PQE Operations and Evaluation Division PQJ International Projects Office	PPC	
PPU Public Utilities Service Division  PQ Office of Real Property Development PQD Deputy Assistant Commissioner PQB Building Technology and Standards Division PQC Construction Program Division PQE Operations and Evaluation Division PQJ International Projects Office	PPD	Deputy Assistant Commissioner
PQ Office of Real Property Development PQD Deputy Assistant Commissioner PQB Building Technology and Standards Division PQC Construction Program Division PQE Operations and Evaluation Division PQJ International Projects Office	PPR	Rate Case Division
PQD Deputy Assistant Commissioner PQB Building Technology and Standards Division PQC Construction Program Division PQE Operations and Evaluation Division PQJ International Projects Office	PPU	Public Utilities Service Division
PQD Deputy Assistant Commissioner PQB Building Technology and Standards Division PQC Construction Program Division PQE Operations and Evaluation Division PQJ International Projects Office		
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PQC Construction Program Division PQE Operations and Evaluation Division PQJ International Projects Office	PQD	
PQE Operations and Evaluation Division PQJ International Projects Office	PQB	
PQJ International Projects Office	PQC	
	PQE	Operations and Evaluation Division
POP Acquisition Policy Division	PQJ	International Projects Office
	PQP	Acquisition Policy Division
PQU Assignment and Utilization Division	PQU	Assignment and Utilization Division

Appendix A

#### Message

From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 2/12/2021 7:42:09 PM

To: Tina Chiappetta - LR [christina.chiappetta@gsa.gov]; Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

CC: Katharine Healy - LR [katharine.healy@gsa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: RE: Fansteel Metals Facility

Attachments: GSA Documents Shipping.pdf; GSA Document Mar 1967.pdf

#### Hello,

I've attached a few of the documents we have in our file. Let me know if you have any additional questions. Thanks

From: Tina Chiappetta - LR <christina.chiappetta@gsa.gov>

Sent: Tuesday, February 9, 2021 12:28 PM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Cc: Katharine Healy - LR <katharine.healy@gsa.gov>; Nixon, Lance <Nixon.Lance@epa.gov>; Clarke, Angienell

<Clarke.Angienell@epa.gov>

Subject: Re: Fansteel Metals Facility

This Friday looks good for us. I will send an invitation shortly. Thank you.

Tina Chiappetta
Real Property Division
Office of General Counsel
General Services Administration
1800 F Street NW, Room 2019
Washington, DC 20405

Tel.: 202 969 4102 Cell: 202 258 8626

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On Tue, Feb 9, 2021 at 1:23 PM Pletan, Elizabeth <Pletan. Elizabeth@epa.gov> wrote:

Hello Tina,

We would be happy to set up a call with you regarding the information request. So far we have availability all day Friday February 8 until 3:00 PM Central, Tuesday February 16 after 2:00 PM Central and Wednesday February 17 after 12 PM Central. My Thursday and Friday of next week are currently blocked off but should open up in the next couple of days if this Friday, next Tuesday or Wednesday do not work for you and your team.

Thank you,
Elizabeth
Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525
NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, re-transmit, disseminate or otherwise use the information. Thank you.
From: Tina Chiappetta - LR < <u>christina.chiappetta@gsa.gov</u> > Sent: Tuesday, February 09, 2021 10:57 AM To: Pletan, Elizabeth < <u>Pletan.Elizabeth@epa.gov</u> >; Katharine Healy - LR < <u>katharine.healy@gsa.gov</u> >; Nixon, Lance < <u>Nixon.Lance@epa.gov</u> > Subject: Fansteel Metals Facility
Good morning,
We are in receipt of your request under Section 104(e) of CERCLA for information regarding Fansteel Metals Facility in Muskogee, Oklahoma. Would you be available to meet with me and my colleague, Kate Healy, to discuss your request in greater detail? We would like some additional background information to assist us in responding.
If you are available, please suggest a couple of days/times that work for you and I will set up a meeting.
Thank you.
Tina Chiappetta
Real Property Division Office of General Counsel General Services Administration

1800 F Street NW, Room 2019

Washington, DC 20405

Tel.: 202 969 4102

Cell: 202 258 8626

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#### GENERAL SERVICES ADMINISTRATION TRANSPORTATION AND COMMUNICATIONS SERVICE

DATE

5-23-68

CONTRACT NUMBER

GS-00P-23252(SCM)-38

#### DOCUMENT PREPARATION AND DISTRIBUTION INSTRUCTIONS

١.

GENERAL INSTRUCTIONS

(RETURN FROM UPGRADING

a. Unless specifically authorized by the issuing office, Government Bills of Lading must be used  $\mathit{ONLY}$  in connection with the applicable shipping instructions.

Government Bills of Lading may be amended only with the concurrence of the issuing office and when so authorized, such authority and date shall be cited on the Bill of Lading and all copies thereof. c. All unused, spoiled or mutilated Government Bills of Lading must be returned to issuing office for cancellation, with appropriate

explanation. d. When routing is by truck, railway express or airfreight, enclose consignee's documents in envelope addressed to consignee and dispatch via the carrier.

#### PREPARATION OF GOVERNMENT BILLS OF LADING

The following information, when applicable, should be inserted on the Bills of Lading and all copies:

CAR INITIALS AND NUMBERS CAR AND/OR TRUCK SEAL NUMBERS
TRUCK AND LICENSE NUMBERS (INCLUDING STATE) SIZE OF CAR ORDERED AND FURNISHED, AND DATE FURNISHED MARKS NUMBER AND KIND OF PACKAGES

WEIGHT, VIZ:\* 1. CARRIER'S WEIGHT AGREEMENT 2. CERTIFIED PUBLIC WEIGHER OR GAUGER
3. CERTIFIED FOREIGN WEIGHT 4. CARRIER'S SCALE WEIGHT WEIGHT OF DUNNAGE OR BRACING (If used to

ON LESS CARLOAD OR LESS TRUCKLOAD SHIPMENTS, SHOW

WHETHER OR NOT PICK-UP SERVICE PERFORMED BY CARRIER

\* (When shipment consists of dissimilar items, show actual gross weight of each package or piece or total gross weight of each group of similar packages or pieces.)

3.	DOCUME	NT DISTRIBUTI	ON				
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C/O GSA-PMDS GADSDEN DEPOT GADSDEN, ALABAMA 35901

REQUESTED ROUTING BEST WAY PREPAY AND ADD	cot	PΕ		F.O.B.	TERMS NET 30 DAYS		D.O. RATING AND COI	NTRACT N	0.
DESCRIPTION  FANSTEEL PART NO. CUSTOMER PART NO.	ltem.	the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the s	OD.	QUAN, PRIOR TO THIS SHIPMENT	QUANTITY SHIPPED	Unit	UNIT PRICE	TRADE DISC.	NET AMOUNT
CONVERSION OF GOVERNMENT FURNISH TANTALUM AND COLUMBIUM BEARING MATERIAL /TIN SLAG/ TO COLUMBIUM METAL POWDER				6108.000 /2770.589 K	/ 1903.000 /863.200 K/				
LOT #16 484 LBS LOT #17 469 LBS LOT #18 474 LBS LOT #19 476 LBS									

4 DRUMS

2015 LBS

JONES TRUCK LINES B/L 93181 - PREPAID

\*UNIT: K-KG. P - LB.

S - SQ. IN. E - EACH A - SQ. FT. M - THOUSAND

I - INCH F - FEET

Y - THOUSAND FT.

R - METER X - THOUSAND METERS XXX PARTIAL SHIPMENT COMPLETE SHIPMENT

PACKING SLIP 145541



T - TROY OZ. L - LOT

100.10

## STRAIGHT BILL OF LADING - SHORT FORM

5/23/68

Shipper's No.

93181

CARRIER: Jones Truck Lines

Muskogee, Oklahoma

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Loding,

Carrier's No

From FANSTEEL METALLURGICAL CORPORATION

the property described below, in apparent good order, except as noted (contents and condition of contents of packages unknown), marked, consigned, and destined as indicated below, which said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at solid destination, if on its route, otherwise to deliver to another corrier on the route to solid destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions of the Uniform Domestic Straight Bill of Lading set forth (1) in Official, Southern, Western and Illinois Freight Classifications in effect on the date hereof, if this is a rail or a rail-water shipment, or (2) in the applicable motor carrier classification or turiff if this is a motor carrier shipment.

Shipper hereby cartifies that he is familiar with all the terms and conditions of the said bill of Idaing, including those on the back thereof, set forth in the dassification or tariff which governs the transportation of this shipment, and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns. General Services Administration, PMDS c/o GSA-PMDS Gadsden Depot Consigned to (Mail or street address of consignee-Far purposes of notification only.) Gadsden <u> State Alabama County</u> Destination \_\_\_\_ Delivery Address ☆\_ (\$\foatin To be filled in only when shipper desires and governing tariffs provide for delivery thereat.) Jones Truck Lines Delivering Carrier\_ Car or Vehicle Initials No. Packages \* WEIGHT Class KIND OF PACKAGE, DESCRIPTION OF ARTICLES, SPECIAL MARKS, AND EXCEPTIONS or Rate Subject to Section 7 of Conditions of applicable bill of lading, if this shipment is to be delivered to the BOXES Rectifiers - Dry - NOI consignee without recourse on the consignor, the consignor shall sign the following statement: **BOXES** Rectifier Parts The carrier shall not make delivery of this shipment without payment of freight and all other BOXES BATTERY FLUID - NOI in glass in boxes WHITE LABEL APPLIED lawful charges. SWITCH PARTS, other than Switch Boxes or Cabinets or BOXES Telephone Switch Boards CIRCUIT BREAKERS OR SWITCHES BOXES or Parts thereof - NOI (Signature of consignar.) BRASS, BRONZE OR COPPER SCREWS - NOI If charges are to be prepaid, BOXES Plated or Not Plated write or stamp here,"To be Pre-**HEAT EXCHANGERS - NO!** BOXES Air, Gas, or Liquid TO BE PREPAID BOXES AS METAL, NOI OR METAL ALLOYS, NOI... Rel. Value not exc. \$40 cents per lb. Received.\$ **BOXES** to apply in prepayment of the AS CHEMICALS, NOI - Rel. Value not exc. charges on the property described · cents per lb. DRUMS: Columbium Metal Powder (METAL NOI, RVNX 40¢ per Lb.) Agent or Cashier. Net Weight 1,903 Lbs. 2,015 Lbs 2.90/CMT Contract No. GS-OOP-23252 (SCM) The material shipped hereunder is the property of the U.S. Government (The signature here acknowledges only the amount prepaid.) The actual freight charges paid to the carrier by the shipper are to be Charges advanced: reimbursed by the Gov't. Equal Employment Opportunity - The non-discrimination clauses contained in Section 202 of Executive Order 11240 as amended, relative to equal employment opportunity for all persons without regard to race, dreed, color or national origin, and the implementing rules or regulations as prescribed by the Secretary of Labor are incorporated herein.

FANSTEEL METALLURGICAL CORPORATION, Shipper, Per,

r, Per / . D . Carlile,

\*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is carrier's or shipper's weight. NOTE-Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property of the property o

Agent Jones Truck Lines Per

Permanent post-effice address of shipper: NORTH CHICAGO, ILLINOIS

190-10

THIS MEMCHRANDUM. is an acknowledgment that a bill of lading has been issued and & not the Original Bill of Lading, nor a copy or Cuplicate, covering the property named herein, and is intended solely for filling or record.

Shipper's No. 93181

CARRIER: Jones Truck Lines

RECEIVED, subject to the classifications and satisfis in effect on the date of the receipt by the carrier of the property described in the Original Bill of Lading,

Carrier's No.

Agent <u>Jones Truck Idnes</u> Per

Musticogne Octobron 5/23/68 19 From FANSTEEL METALLURGICAL CORPORATION

the property described below, in apparent good order, except as noted (contents and candition of contents of packages unknown); marked, consigned, and destined as indicated below, which said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to fit usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or ony of said property, that every service to be performed hereunder shall be subject to all the terms and conditions of the Uniform Domestic Straight Bill of Lading set forth (1) in Official, Southern, Western and Illinois Freight Classifications in effect on the date hereof, if this is a rail or a rail-water shipment, or (2) in the applicable motor carrier classification or tariff if this is a motor carrier shipment.

Shipper hereby certifies that he is familiar with all the terms and conditions of the said bill of Idding, including those on the back thereof, set forth in the classification or tariff which governs the transportation of this shipment, and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

General Services Administration, PMG c/c GSA-PMDS Gadeden Depot (Mail or street address of consignee-For purposes of notification only.) Destination <u>Goderden</u> State A County \_Delivery Address ☆\_ ( To be filled in only when shipper desires and governing tariffs provide for delivery thereat.). Jones Tresel Lines Delivering Carrier \_\_ Car or Vehicle Initials No. \* WEIGHT KIND OF PACKAGE, DESCRIPTION OF ARTICLES, SPECIAL MARKS, AND EXCEPTIONS Subject to Section 7 of Conditions of applicable bill of lading, if this shipment is to be delivered to the BOXES Rectifiers - Dry - NOI consignee without recourse on the consignor, the consignor shall sign the following statement: BOXES Rectifier Parts The carrier shall not make delivery of this shipment without payment of freight and all other BOXES - BATTERY FLUID - NOI in glass in boxes WHITE LABEL APPLIED lowful charges, SWITCH PARTS, other than Switch Boxes or Cabinets or BOXES Telephone Switch Boards CIRCUIT BREAKERS OR SWITCHES BOXES or Parts thereof - NOI (Signature of consignar.) BRASS, BRONZE OR COPPER SCREWS - NOI If charges are to be prepaid, write or stamp here,"To be Pre-BOXES Plated or Not Plated paid." HEAT EXCHANGERS - NOI **BOXES** Air, Gas, or Liquid TO BE PREPAID **BOXES** AS METAL, NOI OR METAL ALLOYS, NOI Rel. Value not exc. . cents per lb. Received \$ į **BOXES** to apply in prepayment of the AS CHEMICALS, NOI - Rel. Value not exc. charges on the property described cents per lb. hereon. DHEED: Colombium Natel Powier (NEWL HOL, RVEX 400 per Lb.) Agent or Cashier. 2.90/chr Net Velght 1,903 The. 2,015 Lbs Contract No. (6)-008-23252 (SCM) Per The material shipped hereunder is the property of the U.S. Government (The signature here acknowledges only ount prepaid.) The actual freight charges paid to the carrier by the shipper are to be Charges advanced: reimburged by the Gov't. Equal Employment Opportunity - The non-discrimination clauses contained in Section 202 of Executive Order 11240 as exended, relative to equal employment opportunity for all persons without regard to race, creed, color or retional origin, and the implementing rules or regulations as prescribed by the Secretary of labor are incorporated herein. \*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is carrier's or shipper's weight.

NOTE-Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property.

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding per

T. S. Carlille,

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Permanent post-effice address of shipper: NORTH CHICAGO, ILLINOIS

FANSTEEL METALLURGICAL CORPORATION, Shipper, Per\_\_\_\_

GENERAL SERVICES ADMINISTRATION DEFENSE MATERIALS SERVICE	REPORT NO.	COMMODITY Columbium Netsl Powder	RELEASE OR S/L NO.
STOCKPILE DIVISION	WAREHOUSE	TANK OR PILE NO.	DESTINATION GSA-PAGS Gaden Depot
OUTBOUND STORAGE REPORT (See Instructions on Reverse)	LOCATION FRUSTORAL, INC. Miskogee, Oklahoma		Gadeden, Alebema
RECEIVING DATE OUT EX. CONTRACT OR NSP NUMBER	GRADE	MBER PACKAGES	WEIGHT
REPORT NO.		CAR NO. TYPE	GROSS NET
5/23/68		All Control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the co	The state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the s
I certify that the material listed was released as shown.	SIGNATURE Julie	Plant Purchasing Agent	DATE 5/23/68

T. S. CHELLE, JR.

GSA JAN 64 132

#### INSTRUCTIONS

1. The storage installation will complete this form for all strategic and critical materials shipped out. Only one commodity will be listed on a report. For bulk ores and materials stored in tanks, separate reports are required for each pile or tank. The original and three copies will be forwarded to the following address within 3 working days after the entire shipping instruction quantity has been shipped, or to cover each week's shipments, whichever is sooner.

General Services Administration Region 3 Office of Regional Data and Financial Management Property and Inventory Section Washington, D. C. 20407

- 2. Reports are to be numbered consecutively, beginning with 2001, for all strategic materials shipped which were carried in the depot inventory records as SCM, D, or DMP, material at time of shipment. SCM reports will show the number only; i. e., 2001; D and DMP reports will show the number followed by the letter "D"; i. e., 2002-D. A separate series of numbers, beginning with 2001, is to be used for all strategic materials shipped which were carried in the depot inventory records as CCC material at time of shipment. These reports will show the number followed by the letters CCC; i. e., 2001-CCC.
- 3. The inbound Receiving Report No. and ex Contract No. must be shown for those materials stored by lot and where such identity is maintained.
- 4. In the column headed "Weight" the following procedure shall apply whless otherwise directed:
  - a. For those materials on which lot identity is not maintained, such as metals, bulk ores, oils, and cordage fiber, the weight shown on this report will be the net weight as determined by depot personnel either by actual weighing or on an estimated basis, as directed by the shipping release.
  - b. For those materials on which lot identity is maintained, such as crude rubber, feathers and down, and silk, the weight shown on this report will be the net inbound weight. Normally this will be the weight ordered shipped. However, when the number of units shipped differs from the number of units specified in the shipping release, weight adjustments will be made based on the average unit weight.
  - c. The weight posted to the Inventory Record Card, GSA Form 46, will always be the net weight shown on this report. When it is determined that the balance on the GSA Form 46 differs from that physically on hand, either debit or credit, the Stockpile Division, PMS, GSA, shall be advised so that instructions regarding adjustments may be issued.

#### VENTORY CHRETOROWE

#### SELLTED TO:

Concrel Corriece Administration, PhDS c/o CEA-PHDS Cadaden Deput Cedaden, Alabema CHIPPID PMM:

Possteel, Inc. Hotels Mirlsien Hexte J. Box 238 Mostegee, Chickens TWCL

Gisia: Commun Nois

G-00-03ER (00H)

DATE:

Mg 23, 1966

MANUSCIAL DESCRIPTION:

Columbian Hotel Powler

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I hereby certify that the above weights are correct to the best of my humidige.

k. s. campia, 184

Plant Parchasing Agent

PARSTERL, INC.

Helghie for shore reversal ecopyed:

C. T. DEEL, LEEPINGER

#### WHIGHT CERTIFICATE

SHIPPED TO:

General Services Administration, FWS c/o GSA-PMPS Causdon Depot Gedsden, Alabama SHIPPED FROM:

Pansteel, Inc: Metals Division Route 5, Box 238 Muskogee, Oklahoms 74401

G.S.A. CONTRACT NO. :

G8-007-23252 (SCM)

DATE:

May 23, 1968

MITERIAL DESCRIPTION:

Columbia Metal Powler

Gosalo <u>Lot Noo</u>	Dyun/Box No.	Gross Weight	Tare Veight	Net Weight	Fanctecl Let No:
16	1	511 Lbs.	27 Lbs.	484 Lbs.	16
17	. L	1498 "	29 "	469 "	17
18	<b>.</b>	503 "	29 "	474 "	18
19	1	503 "	27 "	476 "	19

I hereby certify that the above weights are correct to the best of my knowledge.

T. S. CARLILE, JR.

Plant Furchasing Agent

FANSTEEL, INC.

Weights for above material accepted:

C. T. BUEL, INSPECTOR

### FANSTEEL

#### An Industry that Serves Industries

DEXTER 6-4900 TELETYPEWRITE FANSTEEL METALLURGICAL CORPORATION NORTH CHICAGO, ILLINOIS, U. S. A.

WIRE COMMUNICATION

24321 4:40 P.M. 5-14-68 B Send on next scheduled transmittal A Send at once Teletype No. Date Sent ▶ Attention > Mrs. S. Cohen TO General Services Administration Washington, D. C. Reference: Call No.710-822-1960 - Contract No. GS-00P-23252 (SCM) Please release the following Columbium Metal Powder Lots for immediate shipment: 484 Lbs. Net Wt. Lot No. 16 514 Lbs. Gross Wt. 474 Lbs. 17 Net Wt. 504 Lbs. Gross Wt. 18 474 Lbs. Net Wt. 504 Lbs. Gross Wt. 474 Lbs. Net Wt. 19 504 Lbs. Gross Wt. Notice of availability, Form 199, being mailed to your attention this date.

CONFIRMATION

#### GENERAL SERVICES ADMINISTRATION - TRANSPORTATION AND COMMUNICATIONS SERVICE WASHINGTON, D. C. 20405

#### APPLICATION FOR SHIPPING INSTRUCTIONS AND NOTICE OF AVAILABILITY (MATERIALS MOVING BY OTHER THAN OCEAN VESSEL)

1. NAME AND ADDRESS OF APP Fansteel Metallu	rgical Corporation	n			2. DATE OF API	
Metals Division	And the second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second s	<del>;                                    </del>			May 14,	1968
Route 5, Box 236 Muskogee, Oklaho	A 24				GS-OOP-2	3252 (SCM)
			•		4 DATE SHIPME	AVAI-LABLE
5. NAME OF SHIPPER FORSTEEL Metallu  7. NAME OF ORIGIN RAILROAL	rgical Corporation	1		redea.	lurgical Co	of facility from which
K. O. and G.			Muskogee,			
7A. IF RAILROAD MOVEMENT,	INDICATE (By check)		7C. IF TRUCK-MOVE		£n-	
78. IF INLAND WATER MOVEMING (1) NAME OF WATERWAY	•		Consumers Consumers Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Shaper Sha	8E-MEAR EWDOC	Asietist Plench: - Muskoges	TYPE OR PUBLICE SCALE OKlahoma 7460
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## INSTRUCTIONS FOR THE PREPARATION AND DISTRIBUTION OF GSA FORM 199

A. It is important that this form be mailed (airmail to avoid delay) not less than 10 days in advance of the anticipated date of availability of the material.

Mail original and duplicate

Mail triplicate copy

TO: General Services Administration Transportation and Communications Service Shipping and Claims Branch General Services Building Washington, D. C. 20405 TO: General Services Administration
Regional Director
ATTENTION: CHIEF, INSPECTION BRANCH
Property Management and Disposal Service
Region No. and Address\*

\*For the address and number of the GSA regional office having jurisdiction over the origin point from which the material will be shipped, see the regional office directory below.

- B. (1) Each contractor shall prepare this form (completing all applicable items regardless of the responsibility for forwarding) and mail without delay to the addressees indicated above.
  - (2) A separate set of forms shall be prepared by the contractor for each month, quarter, or portion thereof when contract provides for such delivery.
  - (3) In the event that material is ready for shipment from more than one point of origin, a separate form is required for each point.
  - (4) NOTICE OF ANY CHANGE IN GSA FORM 199 MUST BE MADE BY THE QUICKEST METHOD OF DISPATCH AND CON-FIRMED BY THE ISSUANCE OF A REVISED GSA FORM 199 TO THOSE INDICATED ABOVE.
- C. IT IS IMPORTANT THAT IN NO CASE IS SHIPMENT TO BE MADE BY THE CONTRACTOR UNTIL SUCH TIME AS INSPEC-TION REQUIREMENTS AS SPECIFIED IN THE CITED CONTRACT HAVE BEEN COMPLIED WITH.
- D. Additional copies of GSA Form 199 will be furnished upon request to General Services Administration, Transportation and Communications Service, Contract Administration Division, Shipping and Claims Branch, General Services Building, Washington, D.C. 20405.

	REGIONAL OFFIC	E DIRECTORY
REGION NO:	ADDRESS	, ORIGIN POINTS IN
1	POST OFFICE AND COURT HOUSE	CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, RHODE
BOSTON	BOSTON, MASSACHUSETTS 02109	ISLAND, AND VERMONT.
	ا ما شود در است	
2	30 CHURCH STREET	DELAWARE, NEW JERSEY, NEW YORK, P AND PENNSYLVANIA,
NEW YORK	NEW YORK, NEW YORK 10007	CANADA - PROVINCES OF ONTARIO AND QUEBEC.
3 WASH, D. C.	GS REGIONAL OFFICE BUILDING WASHINGTON, D. C. 20407	DISTRICT OF COLUMBIA, MARYLAND, VIRGINIA, WEST VIRGINIA, AND SPRUCE PINE, NORTH CAROLINA,
4 ATLANTA	1776 PEACHTREE STREET, N.W. ATLANTA, GEORGIA 30309	ALABAMA, FLORIDA, GEÖRGIA, NÖRTH CAROLINA (EXCEPT SPRUCE PINE), SOUTH CAROLINA, MISSISSIPPI (EXCEPT COUNTIES OF HANCOCK AND HARRISON) AND TENNESSEE.
5	219 SOUTH DEARBORN STREET	ILLINOIS, INDIANA, OHIO, MICHIGAN, KENTUCKY AND
CHICAGO	CHICAGO, ILLINOIS 60604	WISCONSIN.
10		CANADA - PROVINCE OF MANITOBA.
6	1500 EAST BANNISTER ROAD	IOWA, KANSAS, MINNESOTA, MISSOURI, NORTH DAKOTA,
KANSAS CITY	KANSAS CITY, MISSOURI 64131	NEBRASKA (EXCEPT SIDNEY), AND SOUTH DAKOTA (EXCEPT CUSTER)
7 .	819 TAYLOR STREET	ARKANSAS, LOUISIANA, OKLAHOMA, TEXAS, AND COUNTIES OF
FT. WORTH	FORT WORTH, TEXAS 76102	HANCOCK AND HARRISON IN MISSISSIPPI.
8	BUILDING 41	ARIZONA, COLORADO, MONTANA, NEW MEXICO, UTAH, WYOMING.
DENVER	DENVER FEDERAL CENTER	SIDNEY, NEBRASKA, AND CUSTER, SOUTH DAKOTA.
	DENVER, COLORADO 80225	
9 .	49 FOURTH STREET	CALIFORNIA, NEVADA, AND GRANTS PASS, OREGON.
SAN FRANCISCO	SAN FRANCISCO, CALIF. 94103	CALIFORNIA, NEVADA, AND GRANIS FASS, OREGON.
10	GSA CENTER	IDAHO, OREGON (EXCEPT GRANTS PASS) AND WASHINGTON,
AUBURN	AUBURN, WASHINGTON 98002	CANADA - PROVINCES OF ALBERTA AND BRITISH COLUMBIA.

### GENERAL SERVICES ADMINISTRATION - TRANSPORTATION AND COMMUNICATIONS SERVICE WASHINGTON, D. C. 20405

## APPLICATION FOR SHIPPING INSTRUCTIONS AND NOTICE OF AVAILABILITY

IMPORTANT: In order herein h	r that this Service may arrange fo MUST BE furnished as accurately	r the most economical tran as possible. <i>Read instruc</i>	ctions on reverse of thi	s form.
1. NAME AND ADDRESS OF APPLI	CANT		2. DATE OF AP	PLICATION
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7. NAME OF ORIGIN RAILROAD (	Materials exchange	Silipment will be mad		
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7B. IF INLAND WATER MOVEMEN  (1) NAME OF WATERWAY -  (2) LOADING DRAFT -	τ (Fill in)	(2) LOCATION OF N	NEAREST CERTLEIED PR	VATE OR RUBLIC SCALE
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IMPORTANT - See Instructions on reverse of this form

GSA DEC. 66 199

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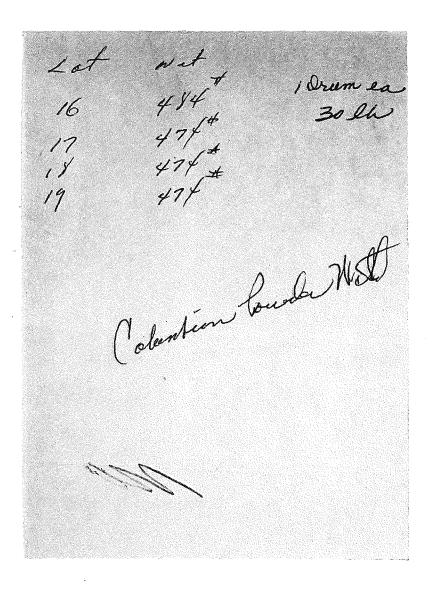
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## SHIPPING NOTICE

WASHINGTON, D.C.





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NUMBER ONE TANTALUM PLACE NORTH CHICAGO, ILLINOIS . 60064 SALESMAN SALES TERR. CUST. CODE DATE REC'D. CUST, ORDER NO. AND DATE. DATE SHIPPED INVOICE ORDER NO. 2/21/60 02-22-66 65-007 02-21-66 090314 23252/SCN/. ITEM 6 OF 7 ITEMS SHIPPED WITH ORDER NO. SAME OFFICE OF REGIONAL DATA AND FINANCIAL % GSA-PMDS BINGHAMTON DEPOT MANAGEMENT ACCOUNTS PAYABLE BRANCH 7TH AND -D- STREETS BINGHAMTON, NEW YORK

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JONES TRUCK LINES B/L 81576 PREPAID

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PARTIAL SHIPMENT COMPLETE SHIPMENT

PACKING SLIP



K - KG. P - LB.

T - TROY OZ. L - LOT

A - SQ. FT. M - THOUSAND

F - FEET

Y - THOUSAND FT.

### SHIPPING NOTICE





NUMBER ONE TANTALUM PLACE
NORTH CHICAGO, ILLINOIS • 60064

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ORDER NO.

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Y - THOUSAND FT.

R - METER
X - THOUSAND METER

PARTIAL SHIPMENT
COMPLETE SHIPMENT

PACKING SLIP



C.L. Brown

### GENERAL SERVICES ADMINISTRATION



Property Management and Disposal Service Washington, D.C. 20405

MAR 2 3 1967
IN REPLY REFER TO: DDSMO

Mr. C. E. LeRoy Vice President Fansteel Metallurgical Corporation Number One Tantalum Place North Chicago, Illinois 60064

Dear Mr. LeRoy:

Enclosed for your record is one fully executed copy of Amendment No. 1 to Contract No. GS-00P-23252(SCM), which provides for the substitution of 25,449 pounds of cobalt for a comparable value of tin as payment for services rendered under the contract.

Sincerely yours,

D.a. Woodond

D. A. Woodard Project Manager, Minerals and Ores Industry Materials Division Strategic and Critical Materials Disposal

Enclosure

#### AMENDMENT NO. 1

to

CONTRACT NO. GS-00P-23252(SCM)

between

THE GENERAL SERVICES ADMINISTRATION

and

FANSTEEL METALLURGICAL CORPORATION

THIS AMENDMENT, entered into between the United States of America (herein-after called the Government), acting by and through the Administrator of General Services, represented by the Contracting Officer executing this amendment, and Fansteel Metallurgical Corporation (hereinafter called the Contractor).

#### WITNESSETH:

WHEREAS, the Government on December 13, 1965, and the Contractor entered into Contract No. GS-00P-23252(SCM), under which the Contractor would render services in connection with conversion of Government-furnished tantalum and columbium bearing material to tantalum metal powder, tantalum metal slabs, columbium metal powder, and columbium oxide powder; and

WHEREAS, by letter of February 16, 1967, the performance period for this contract by the Contractor has been extended to December 13, 1967; and

WHEREAS, the payment to the Contractor for the conversion of the raw materials to the above-listed upgraded products, and all transportation charges paid for the account of the Government by the Contractor were to be made with Government-owned materials as listed in Article XI, "Payments," of the Special Terms and Conditions of the contract; and

WHEREAS, by letter of March 6, the Contractor requested that cobalt metal granules listed as Item No. 562 in Addendum No. 1 to Exhibit I of GSA Solicitation for offers for Cobalt PMDS-MET-141, dated January 18, 1967, be substituted as payment material in lieu of a comparable value of tin; and

WHEREAS, the Government and the Contractor find it mutually advantageous to substitute the following material located at GSA-PMDS Belle Mead Depot, Belle Mead, New Jersey, amounting to approximately 25,449 pounds of cobalt contained at \$1.70 per pound for a total of approximately \$43,263.30:

OUANTITY-POUNDS OF

ITEM NO.	<i>:</i>	LOT NO.	NO.	OF DRUMS		COBALT	CONTAINED	
562		123-4-13F		51		25	,449	
			PERCENTAGE	BY WEIGHT				
	. 0	o 99.77	Ni	0.16	Fe	0.14		
	, C	0,05	Cu	0.14	S	0.02		
•	P	0.01			*			

The cobalt content and other analytical data shown above were obtained from Government records and are believed to be correct but no warranties are made as to chemical analysis or physical condition.

NOW THEREFORE, the parties hereto agree that the contract as extended for performance be further amended as follows:

Paragraph XI of the Special Terms and Conditions is amended by adding subparagraph C.5.

#### 5. COBALT

- a. Cobalt contained in Item No. 562, Lot No. 123-4-13F, as further described in Addendum 1 to Exhibit I in aforesaid Solicitation PMDS-MET-141, consisting of 51 drums, is available for delivery to the Contractor by the Government; it has a value of approximately \$43,263.30 for purposes of payment under this contract.
- b. This cobalt material for payment will be taken "as-is" by the Contractor and the \$43,263.30, or the dollar amount determined in accordance with subparagraphs 5.d. and 5.e. below, applied to the amount due for upgrading services on the raw materials furnished therefor, and in lieu of a comparable value of pig tin as a payment material.
- c. Delivery terms for the cobalt will be as set forth in Special Terms and Conditions XI.B., herein.
- d. Weights as marked on the containers shall govern for net and tare. If the containers are not so marked, producer's weights of record with the Government shall be used, or the net weight shall be determined by draft weighing on Government platform scales at the storage facility, with an allowance for the established tare weight.
- e. The contained weight of cobalt delivered hereunder shall be computed by multiplying the net weight of the item, as determined in accordance with paragraph 5.d. above, by the percentage of contained cobalt set forth for Item 562, and shall be final for payment purposes.

All other terms and conditions of the contract remain unchanged.

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ACCEPTED BY THE PURCHASER:	ACCEPTED BY THE GOVERNMENT:
Title Vice Sundent	By S. A. Woodard Title Project Manager, Minerals and Ore
Date 3/17/67	Date March 22, 1967
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#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

### CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED VIA ELECTRONIC MAIL

Cabot Corporation
Sean D. Keohane, President and CEO
Two Seaport Lane, Suite 1300
Boston, Massachusetts 02210
karen.kalita@cabotcorp.com

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

#### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Cabot Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.234219200380.100.1.1=66001003655400
Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

#### **ENCLOSURE 1**

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

#### **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

#### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

#### **ENCLOSURE 2**

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

#### **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

#### **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

#### **ENCLOSURE 3**

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

#### **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

#### **ENCLOSURE 4**

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

#### PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

#### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808

#### Message

From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 2/2/2021 9:32:42 PM

To: Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: FW: Fansteel Metals 104(e) Information Request

FYI

From: Catherine Crow - LR <catherine.crow@gsa.gov>

**Sent:** Monday, February 1, 2021 4:26 PM **To:** Nixon, Lance <Nixon.Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Katharine Healy - LR < katharine.healy@gsa.gov>

Subject: Re: Fansteel Metals 104(e) Information Request

Lance,

Kris Durmer is no longer with GSA. Our current General Counsel is Nitin Shah. You may send future correspondence regarding this matter and similar requests to Kate Healy at <a href="mailto:katharine.healy@gsa.gov">katharine.healy@gsa.gov</a>. She is also copied on this email.

Sincerely,

Catherine Crow Acting Associate General Counsel Real Property Division (LR), GSA Office of General Counsel (202) 501-4536

The information contained in this e-mail message is intended only for the addressee(s) and may be protected by the attorney-client privilege and/or work product doctrine. Please do not forward or further disseminate this message without the consent of the sender.

On Mon, Feb 1, 2021 at 3:09 PM Nixon, Lance < Nixon.Lance@epa.gov > wrote:

Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mailto:nixon.lance@epa.gov">nixon.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or <a href="mailto:please-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-new-accusto-global-n

Thank You.

### **Lance Nixon**

**Enforcement Officer** 

U.S. Environmental Protection Agency

Superfund and Emergency Management Division

Assessment and Enforcement Branch

214-665-2203

#### Message

From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

Sent: 2/1/2021 8:22:47 PM
To: karen.kalita@cabotcorp.com

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

Subject: Fansteel Metals 104(e) Information Request

Attachments: Fansteel Cabot Corporation 104e for email.pdf

#### Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mailto:nixon.lance@epa.gov">nixon.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or <a href="mailto:please-tileabeth@epa.gov">please-tileabeth@epa.gov</a>.

Thank You.

#### Lance Nixon

Enforcement Officer
U.S. Environmental Protection Agency
Superfund and Emergency Management Division
Assessment and Enforcement Branch
214-665-2203

#### Message

From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 2/1/2021 8:01:16 PM

To: kris.durmer@gsa.gov; catherine.crow@gsa.gov
CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]
Subject: Fansteel Metals 104(e) Information Request

Attachments: Fansteel GSA 104e for email.pdf

#### Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mailto:nixon.lance@epa.gov">nixon.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or <a href="mailto:please-tileabeth@epa.gov">please-tileabeth@epa.gov</a>.

Thank You.

#### Lance Nixon

Enforcement Officer
U.S. Environmental Protection Agency
Superfund and Emergency Management Division
Assessment and Enforcement Branch
214-665-2203



#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

### CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED VIA ELECTRONIC MAIL

General Services Administration Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405 Catherine.crow@gsa.gov

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

#### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that General Services Administration (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.234219200380.100.1.1=68001003655400
Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

### FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

#### RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at

(214) 665-2203 or via email at <a href="mixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="within 30">within 30</a> <a href="mixon.lance@.epa.gov">calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please.gov">please.gov</a>.

#### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler fordisposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

#### **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and ha ndling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

#### **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

#### **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

#### PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

#### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzine USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808

#### Message

From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 3/1/2021 8:25:36 PM

To: Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: FW: Section 104e Request: Fansteel

Attachments: Fansteel Response .pdf; ExhibitA.pressrelease.pdf; ExhibitB.depotlist.pdf; ExhibitC.Determinations.pdf;

ExhibitD.recordstransfer.pdf

The GSA 104e response.

From: Tina Chiappetta - LR <christina.chiappetta@gsa.gov>

Sent: Thursday, February 25, 2021 4:19 PM

To: Nixon, Lance <Nixon.Lance@epa.gov>; Pletan, Elizabeth <Pletan.Elizabeth@epa.gov>

Cc: Katharine Healy - LR <katharine.healy@gsa.gov>

Subject: Section 104e Request: Fansteel

Good afternoon,

Attached is GSA's response to your request for information relating to Fansteel Metals.

Please let us know if you have questions.

Thanks,

Tina Chiappetta
Real Property Division
Office of General Counsel
General Services Administration
1800 F Street NW, Room 2019
Washington, DC 20405

Tel.: 202 969 4102 Cell: 202 258 8626

#### CONFIDENTIALITY NOTICE:

This e-mail message and any attachments to this e-mail message may contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity to whom it is addressed. Please do not forward this message without permission. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify me immediately by telephone or return e-mail and delete and destroy the original e-mail message, any attachments thereto and all copies thereof.

#### Message

From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 3/17/2021 4:00:52 PM

To: Kradin, Ben [Ben.Kradin@osram.com]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: RE: 104(e) Request for Information re: Fansteel Metals Facility by OSRAM SYLVANIA INC.

Mr. Kradin,

Your request for a 60 day extension to respond to the 104(e) Request for information for the Fansteel Metals Facility has been approved. Please provide a partial response by April 12, 2021. The final response is now due May 12, 2021. Your cooperation is greatly appreciated.

Thanks

-Lance

From: Kradin, Ben <Ben.Kradin@osram.com>

**Sent:** Friday, March 12, 2021 5:09 PM **To:** Nixon, Lance < Nixon. Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: 104(e) Request for Information re: Fansteel Metals Facility by OSRAM SYLVANIA INC.

Dear Ms. Pletan and Mr. Nixon,

OSRAM SYLVANIA is respectfully requesting a 60-day extension for the 104(e) request for information due today. As I mentioned over voicemail, I am currently out on parental leave and this extension would provide sufficient time for OSRAM SYLVANIA to conduct a meaningful search. Thank you for your consideration and please feel free to reach out with questions.

Meanwhile, have a great weekend.

Cheers,

Ben Kradin CIPP/US, CIPM, FIP Corporate Counsel Compliance Officer, USC

OSRAM SYLVANIA INC.

GC AMERICAS

200 Ballardvale Street Wilmington, MA 01887 Tel.: (978) 570-3077

Cell: (978) 809-6610 ben.kradin@osram.com

www.osram.us

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#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

### CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Amalgamet, Inc. FKA Amalgamet-Finamines Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Re: <u>Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401</u>

#### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Amalgamet, Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, c=US. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER.
0.9.2342.19.200300.100.1.1=68001003655400
Date: 2021.01.22 15:27:43-06/00

Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

#### RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

#### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

### **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

#### **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

#### PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

#### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

Catherine Crow (Catherine.crow@gsa.gov)
Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808

#### Message

From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 3/16/2021 9:12:19 PM

To: John Hunt [jhunt@amg-nv.com]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Attachments: Metallurg, Inc. - Scan 4.pdf

#### John,

Please see the attached documents for your review. Please let us know if you need anything else or would like to see more documents. Thank you for your cooperation.

-Lance

From: John Hunt <jhunt@amg-nv.com>
Sent: Friday, March 12, 2021 3:46 PM
To: Nixon, Lance <Nixon.Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: Re: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

Lance,

Thanks for the update.

Thanks John

From: Nixon, Lance < Nixon.Lance@epa.gov > Sent: Friday, March 12, 2021 4:44:53 PM
To: John Hunt < jhunt@amg-nv.com >

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

Hello John,

I apologize about the delay. There was a mix-up on my part. I have the nexus documents ready, however, I have to wait until I get approval to release them to you. Once I get the approval I will send them to you immediately. Again, I'm sorry about the delay.

Thanks -Lance

From: John Hunt <<u>jhunt@amg-nv.com</u>>
Sent: Friday, March 12, 2021 7:39 AM
To: Nixon, Lance <<u>Nixon, Lance@epa.gov</u>>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov >; Clarke, Angienell < Clarke. Angienell@epa.gov >

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

Lance.

Have you had an opportunity to access the Nexus documents?

Thanks John

From: Nixon, Lance < Nixon.Lance@epa.gov > Sent: Wednesday, March 3, 2021 4:27 PM
To: John Hunt < jhunt@amg-nv.com >

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

We look forward to hearing from you April 9, 2021. I will try to get some nexus documents to you sometime next week. Your cooperation is greatly appreciated.

-Lance

From: John Hunt <<u>jhunt@amg-nv.com</u>>
Sent: Wednesday, March 3, 2021 1:08 PM
To: Nixon, Lance <<u>Nixon, Lance@epa.gov</u>>

Subject: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Mr. Nixon,

I received your CERCLA 104(e) Information Requests dated January 22, 2021 that were sent to the attention of Dr. Heinz Schimmelbusch at Metallurg, Inc located at 435 Devon Park Dr, Building 200, Wayne, PA 19087. Unfortunately our office has been closed with limited access due to COVID-19 restriction. Please find attached a letter documenting that we are in receipt of the CERCLA 104(e) Information Requests and that we are preparing to respond by April 9, 2021.

I apologize for the delay in our response. If you have any questions or comments you can reach me via email or on my mobile # (617) 957-5961.

Regards, John

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TELEPHONE (2)2) 686-4010 METALLURG NYC

Cable Address ALMETORE

METALLURG, INC 25 EAST BOIL STREET

NEW YORK, N.Y. 10016

James

Fax # 3874

F01

February 25, 1988

FANSTEEL/Muskogee, Ok. TELEFAX TO:

Telefax # 918-687-6303

Attn: Mr. Tom Carlile

50,000 lbs Ta205 in Synthetic Concentrates Re:

Please be advised that we have made shipping arrangements for the above mentioned material, which will be shipped in 4 lots, divided into 5 ocean containers.

Material is expected to leave Antwerp on or about February 24th, ETA Houston March 10th.

Vessel: MV "Sonora"

Contract No.			·No.	Drums/Pallets			No.
	1)	CTIU	423158-5	36	18		1-36
	2)	CTIU	403468-9	36	18		37-72
	3)	CTIU	488185-2	36	Т8		73-108
	4)	CTIU	402343-1	37	19	•	109-145
	5)	TEAU	401237-0	37	7.9		146-182

Lot	No.	<u>Drum No(s).</u>
1	ř.	1-58
2		59-117
3		118-162
4		163-182

W.H. Miller, Contract Admin.

# Inter-Office Correspondence Fansteel

TO T. S. Carlile, Jr.

FROM

J. Hill

cc:

R. Smith

DATE

February 15, 1988

G. Scenter L. Young

SUBJECT

Metallurg Tantalite Analysis

		VENDOR
***	TOM	CODE

FNL LOT CODE % Ta205

% Cb205

% U308

% Th02

2509

P-10435-04

39.40 / 3

32.03

.0706

.399

JIM HILL

JH/bsm

John,

If the Ta content is acceptable to Metallurg, according to Smith's calculations, they still would owe Fansteel 12#. Let's get

this concluded, we need the ore.

(T. S. CARLILE, JR.

---- (212) 666-4010

CABLEADDRESA ALMETORE

METALLURG, INC. 25 EAST DOIN STREET NEW YORK, N.Y. 10010

rax # 3019

December 10, 1987

TELEFAX TO: Fansteel/Muskogee Fax # (918) 687-6303

Attn: Mr. Tom Carlile

Re: Conversion Contract C-12212

Dear Tom:

Confirming your telephone call of yesterday, you have accepted the samples of tantalite which we sent to you in October and which are referenced in our telefax 1643 of October 16, 1987.

To complete this order, we owe you 1,754.15 lbs Ta205 in tantalite.

We shall promptly send you lot # P-10435-04. The weight of this lot closely approximates the Ta205 units due you. If the Ta205 units of this lot are greater than 1,754.15 lbs Ta205 then Fansteel will supply Metallurg with the corresponding quantity of metallurgical grade powder and Metallurg will pay the corresponding conversion fee. If the Ta205 content of this lot is less than 1,754.15 lbs Ta205 then Metallurg will pay Fansteel for the difference owed at the rate of \$25.00/lb Ta205.

Upon receipt of this lot please let us have your weights and assays.

Regards,

Albert Hayoun Vice President

AHa: VE Subhaf



number ten tantalum place muskogee, oklahoma 74401

FAX NUMBER (918) 687-6303 Extension #208

DATE: 2 22/88

### TELCOPIER TRANSMITTAL

TO: Dr. Lambert	
COMPANY:	LOCATION:
FROM: J. S. Carlile, Jr.	
FROM:	
MESSAGE:	

NOTE: IF TRANSMISSION IS NOT CLEARLY RECEIVED, PLEASE CALL AREA CODE 918/687-6303.

METALLURG, INC  Ordered From  Obto Received  Packing Stip #  O2/06/269  No. of Packings and Gross Weight  Prepaid  TES  YEL DM FRT  Collect Charges  ER of Pro #  Location  MUSKOGEE. CK  A PACKING SLIP MUST BE INCLUDED WITH ALL SHIPMENTS  NON-TAX  TAXABLE  DUANTITY REC'D. Fanateel Codes QUANTITY ORD'D. UNIT  1750 DESCRIPTION  1, 2994.600  TANTALITE DRE - TO APPLY TOWARD COUNTERSTOR CONTRACT C12212.  METALLURB LOT F-10-435-04  FANSTEEL LOT FNL-2509  40 DRUMS  FANSTEEL WEIGHED AND SAMPLED EACH DRUM.  Specification Calls For	•3	Rece	eived From							Récei	pt#		Order #	
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# METALLURG CONVERSION ORE RECAP

	DRUM	COUNT	GROSS WT	DRUM	TARE	NET	WEIGHT
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TOTALS:	•	1 40	113.6 4,538.0		169.4	4	109.4
LESS TARE WT OF			. <b>.*</b>				84.0
EMPTY ORE BAGS: TOTAL NET WT:							4,284.6



number ten tantalum place muskogee, oklahoma 74401

December 22, 1987

# PURCHASE AGREEMENT

METALLURG, INC. (herein referred to as "Seller") agrees to sell and FANSTEEL INC., with offices at Number Ten Tantalum Place, Muskogee, Oklahoma 74401 (herein referred to as "Buyer") agrees to buy synthetic Tantalite concentrates on the terms and conditions stated herein.

QUANTITY:

Approximately Fifty-Thousand (50,000) pounds of Ta<sub>2</sub>O<sub>5</sub> contained in synthetic tantalite concentrates.

DESCRIPTION:

All material to be dry, in granulated form free of extraneous material and reasonably free-flowing. The concentrates shall conform to the following specifications on a lot-to-lot basis and on an average basis:

	Per Individual Lot	Specification Average for X Lots				
Ta <sub>2</sub> 0 <sub>5</sub>	23.00% Minimum	23.00 - 25.00%				
Nb <sub>2</sub> 0 <sub>5</sub>	23.00% Minimum	23.00 - 32.00%				
TiO,	15.00% Maximum	15.00% Maximum				
SnO <sub>2</sub>	0.30% Maximum	0.30% Maximum				
ຫ <sub>3</sub> 0 8	0.01% Maximum	0.01% Maximum				
ThO2	0.01% Maximum	0.01% Maximum				
Sb	50 PPM Maximum	50 PPM Maximum				
FeO	8.00% Maximum	8.00% Maximum				
SiO <sub>2</sub>	15.00% Maximum	15.00% Maximum				
CaO	10.00% Maximum	10.00% Maximum				
As	100 PPM Maximum	100 PPM Maximum				
В	0.01% Maximum	0.01% Maximum				
P	0.08% Maximum	0.08% Maximum				
Free C	0.10% Maximum	0.10% Maximum				
Total C	0.18% Maximum	0.18% Maximum				
Moisture	0.01% Maximum	0.01% Maximum				
Size	2 MM Down	2 MM Down				

PACKAGING:

Material to be packaged in clean, open head 200 liter capacity steel drums, complete with lid, retaining ring and closing device (lever lock or bolt and nut). Each drum shall be marked with the lot number, gross weight, tare weight, and net weight of the drum. Seller shall be responsible for labelling all drums or other containers in compliance with all applicable federal, state and local laws, regulations, ordinances or other governmental requirements. Buyer to provide the labelling details. Drums to be palletized two per pallet. Pallets to be two-way entry, sturdy construction, suitable for stacking pallets three high. Pallets to be placed in ocean going containers, suitable for highway transfer. Construction to be so designed to maintain the integrity of the concentrates.

PRICE:

Twenty-Five Dollars (\$25.00) per pound of Ta<sub>2</sub>O<sub>5</sub> contained. No taxes, freight or other charges shall be applied to increase said price.

DELIVERY:

FOB Muskogee, Oklahoma plant during 1st quarter, 1988.

PAYMENT:

100% based on the average of the two analyses as obtained by Buyer and Seller or as otherwise stipulated under the "Sampling and Assaying" clause below. In no event shall payment be required prior to April 1, 1988.

WEIGHING:

Weighing to take place at Muskogee, Oklahoma, under the supervision of either Ledoux and Company, A. H. Knight, or another recognized assayer agreed upon by both Buyer and Seller. Seller will have the right to observe the weighing at the Muskogee plant. Any portion of the material rejected by Buyer shall be promptly removed by Seller at its sole cost from Buyer's premises.

SAMPLING & ASSAYING

During the weighing operation referred to above, the assayer will sample and prepare 5 representative samples from each lot comprising the total amount sold. These samples

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will be sealed by the assayer and two samples each will be provided to Buyer and Seller and one will be retained by the assayer as a "reserve" sample. The cost of this operation will be shared equally between Buyer and Seller.

Buyer and Seller will analyze these samples for the dry net content of Ta<sub>2</sub>O<sub>5</sub> and exchange their results by cross mail on a date to be agreed upon. If the difference of the results obtained by Buyer and Seller is within 0.3% Ta<sub>2</sub>O<sub>5</sub>, then final settlement will be on the basis of the average of the two analyses.

Should the difference be greater than 0.3% Ta<sub>2</sub>O<sub>5</sub> and this difference cannot be resolved by Buyer and Seller, then an independent laboratory/assayer acceptable to both Buyer and Seller would be retained to perform an umpire analysis on the "reserve" sample. In case an umpire analysis is required, the umpire's results will be final for settlement. The cost of the umpire will be paid by the party whose own result was furthest from that of the umpire.

FORCE MAJEURE:

Neither Seller nor Buyer shall be responsible or liable to the other party for any delay or inability in rendering any performance required by this Agreement directly or indirectly caused by or resulting from strikes, fires, floods, wars, riots, non-availability of transportation facilities, delays of carriers, embargoes, accidents, restrictions, or limitations, or prohibitions imposed by any government or governmental authority or, without limitation, any other cause beyond the reasonable control of the parties whether similar or dissimilar to the causes set forth above, it being understood that neither party shall be excused from its obligations under this Agreement by the aforementioned occurrences unless notice of such occurrences is given by the party affected to the other party within 14 days after the discovery thereof. occurrence of any such delay or inability in rendering performance shall extend the time required for performance by the party affected to a reasonable time after the cause of delay or inability has been removed; subject, however,

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to the right of the party not affected to cancel its obligations under this Agreement to deliver or receive any material not delivered within 90 days of the due date thereof, owing to such cause, by written notice thereof, given to the other party.

ASSIGNMENT:

This Agreement shall not be assigned in whole or in part by either party without the prior written consent of the other party. This Agreement shall inure to the benefit of and be binding upon the parties, their legal representatives, successors and permitted assigns.

OTHER TERMS & CONDITIONS:

No other or further terms than stated above shall be part of this Agreement.

No modifications of this Agreement or waiver of the terms and conditions thereof shall be binding upon either party unless approved in writing by an authorized representative of such party.

Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled by arbitration in Chicago, Illinois, in accordance with the Commercial Arbitration Rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrators may be entered in any court having jurisdiction thereof. The arbitration shall be conducted by one arbitrator unless the party initiating the arbitration shall request three arbitrators in its demand for arbitration. If either party of this Agreement shall fail or refuse to arbitrate or shall institute any action or proceeding to stay or enjoin arbitration hereunder, reimbursement of any legal fees and expenses in any action or proceeding to compel arbitration may be awarded by the arbitrator(s).

The laws of the State of Illinois shall govern this Agreement.

NOTICE:

It shall be a sufficient, but not mandatory, method of giving of any notice or other communication hereunder if the party giving

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the same shall deposit a copy thereof in the Post Office in a registered or certified envelope, postage prepaid, properly addressed to Seller as follows:

Metallurg, Inc. 25 East 39th Street New York, New York 10016

Attention: Mr. Albert Hayoun Vice President

and to Buyer:

Fansteel Inc. Number Ten Tantalum Place Muskogee, Oklahoma 74401

Attention: General Manager

or at such other address as a party shall hereafter in writing designate. The date of giving any such notice or other communication shall be the date on which such envelope was deposited as above provided. The Post Office receipt showing the date of such deposit shall be prima facie evidence of these facts.

FANSTEEL INC.	METALLURG, INC.
By: Carpello	By:
T. S. Carlile, Jr. (12/23/) General Manager	Albert Hayoun Vice President
Metals Group Muskogee	
Date:	Date:
•	
By:	, **
K. R. Garrity, Chairman and Chief Executive Officer	•
Date:	

1.10

From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 3/15/2021 8:38:17 PM

**To**: Webster, Susan [webster.susan@epa.gov]

CC: Johnson, Lydia [johnson.lydia@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: FW: 104(e) Request for Information re: Fansteel Metals Facility by OSRAM SYLVANIA INC.

#### Hi Susan,

OSRAM Sylvania has requested a **60 day extension** to respond to the 104efor Fansteel. If approved, this would make a partial response due on April **12**, 2021, and the final response due on May **12**, 2021.

From: Kradin, Ben <Ben.Kradin@osram.com>

**Sent:** Friday, March 12, 2021 5:09 PM **To:** Nixon, Lance <Nixon.Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: 104(e) Request for Information re: Fansteel Metals Facility by OSRAM SYLVANIA INC.

Dear Ms. Pletan and Mr. Nixon,

OSRAM SYLVANIA is respectfully requesting a 60-day extension for the 104(e) request for information due today. As I mentioned over voicemail, I am currently out on parental leave and this extension would provide sufficient time for OSRAM SYLVANIA to conduct a meaningful search. Thank you for your consideration and please feel free to reach out with questions.

Meanwhile, have a great weekend.

Cheers,

Ben Kradin CIPP/US, CIPM, FIP Corporate Counsel Compliance Officer, USC

OSRAM SYLVANIA INC.

GC AMERICAS

200 Ballardvale Street

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From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 3/1/2021 4:49:35 PM

**To**: Gerry Caron [gerry.caron@cabotcorp.com]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

**Subject**: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Attachments: Fansteel - Cabot 104e Extension Letter.pdf

#### Hello Gerry,

The approval letter dated February 23, 2021, extending the response for Cabot Corp. is attached.

Thank you for your cooperation.

#### Lance

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Friday, February 5, 2021 8:43 AM **To:** Nixon, Lance < Nixon. Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

**Subject:** RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Thanks Lance. Much appreciated. I will reach out to you if other questions come up during our review.

Gerry

From: Nixon, Lance < Nixon.Lance@epa.gov > Sent: Friday, February 5, 2021 9:03 AM

- - - ·

To: Gerry Caron <gerry.caron@cabotcorp.com>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

#### Good morning,

Your request for an extension has been approved. I'll send you a signed approval letter by email hopefully next week.

-Lance

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Thursday, February 4, 2021 5:16 PM **To:** Nixon, Lance < Nixon, Lance@epa.gov>

Subject: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Thanks Lance, Gerry

From: Nixon, Lance < Nixon, Lance@epa.gov > Sent: Thursday, February 4, 2021 4:32 PM
To: Gerry Caron < gerry.caron@cabotcorp.com >

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Gerry,

I have submitted your request for an extension to my management. I'll be in touch as soon as hear back. Thank you for your cooperation.

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Thursday, February 4, 2021 2:43 PM **To:** Nixon, Lance < Nixon, Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan, Elizabeth@epa.gov>; Clarke, Angienell < Clarke, Angienell@epa.gov>

**Subject:** RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. It appears to me that it will take us additional time beyond the 30 days to conduct internal record checks, etc. to respond properly to EPA's information request, particularly given how far back in time the request and information relate to. I would like to request an additional 30 days for Cabot to respond to EPA's request. Can you please confirm if such an extension is acceptable to the agency?

Thanks, Gerry

From: Nixon, Lance < Nixon, Lance@epa.gov > Sent: Wednesday, February 3, 2021 11:26 AM To: Gerry Caron < Gerry.caron@cabotcorp.com >

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Gerry,

Thank you for your response. Yes, I agree that email would be the best way to correspond. I do check my voicemail frequently, but email is best.

I've attached a document that we have in our files indicating a nexus between Cabot Corp. and the Fansteel Metals site. I hope you find the document helpful.

Please let me know if you need anything else or have additional questions.

**Thanks** 

-Lance Nixon

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Tuesday, February 2, 2021 3:15 PM **To:** Nixon, Lance <Nixon.Lance@epa.gov>

Subject: FW: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. I left you a voicemail a few minutes ago introducing myself on behalf of Cabot Corp. I realize with Covid and so many folks working remotely that email may be a better choice than voicemail!

Could you please email to me any documents that EPA has in its file indicating a nexus between Cabot Corp. and the Fansteel Metals site? This will help us conduct an internal review and inquiry regarding the site and any potential connections with Cabot Corp.

Please let me know if you have any questions. Also, if you would like to call me, by cell number is 617-515-4529.

Thanks,

From: Nixon, Lance < Nixon. Lance@epa.gov > Sent: Monday, February 1, 2021 3:23 PM

To: Karen Kalita < Karen. Kalita@cabotcorp.com > Cc: Pletan, Elizabeth @epa.gov >

Subject: [EXTERNAL] Fansteel Metals 104(e) Information Request

Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:nixen:

Thank You.

# Lance Nixon

Enforcement Officer
U.S. Environmental Protection Agency
Superfund and Emergency Management Division
Assessment and Enforcement Branch
214-665-2203

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# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

Gerry Caron **Cabot Corporation** Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210 Gerry.caron@cabotcorp.com

Re: Request for Information for the Fansteel/FMRI Superfund Site

Dear Mr. Caron:

On February 4, 2021, the U.S. Environmental Protection Agency (EPA) received your request on behalf of Cabot Corporation for a 30-day extension to respond to the Fansteel/FMRI Site 104(e) Information Request. Cabot Corporation received the 104(e) Information Request on February 2, 2021.

Based on the EPA's review of your request, we are extending the deadline for your response by 30 days. As a result, your response to the 104(e) Information Request is now due no later than April 5, 2021. Should you have any questions, please contact Mr. Lance Nixon at (214) 665-2203 or nixon.lance@epa.gov. Thank you for your attention to this matter.

Sincerely,

SUSAN

Digitally signed by SUSAN WEBSTER
DN: c=US, o=US. Government,
ou=Environmental Protection
Agency, cn=SUSAN WEBSTER
0.9.23/24.2192003/0.100.1.1=680010
Date: 2021.02.23 16:05:24-06'00'
Susan D. Webster Chief

Susan D. Webster, Chief

Assessment & Enforcement Branch (SEDA) Superfund Division

From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 3/12/2021 9:44:53 PM

**To**: John Hunt [jhunt@amg-nv.com]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

#### Hello John,

I apologize about the delay. There was a mix-up on my part. I have the nexus documents ready, however, I have to wait until I get approval to release them to you. Once I get the approval I will send them to you immediately. Again, I'm sorry about the delay.

Thanks

-Lance

From: John Hunt <jhunt@amg-nv.com>
Sent: Friday, March 12, 2021 7:39 AM
To: Nixon, Lance <Nixon.Lance@epa.gov>

Cc: Pletan, Elizabeth <Pletan.Elizabeth@epa.gov>; Clarke, Angienell <Clarke.Angienell@epa.gov>

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

Lance,

Have you had an opportunity to access the Nexus documents?

Thanks John

From: Nixon, Lance < Nixon.Lance@epa.gov > Sent: Wednesday, March 3, 2021 4:27 PM
To: John Hunt < jhunt@amg-nv.com >

Cc: Pletan, Elizabeth < Pletan Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

We look forward to hearing from you April 9, 2021. I will try to get some nexus documents to you sometime next week. Your cooperation is greatly appreciated.

-Lance

From: John Hunt < ihunt@amg-nv.com>
Sent: Wednesday, March 3, 2021 1:08 PM
To: Nixon, Lance < Nixon, Lance@epa.gov>

Subject: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Mr. Nixon,

I received your CERCLA 104(e) Information Requests dated January 22, 2021 that were sent to the attention of Dr. Heinz Schimmelbusch at Metallurg, Inc located at 435 Devon Park Dr, Building 200, Wayne, PA 19087. Unfortunately our office

has been closed with limited access due to COVID-19 restriction. Please find attached a letter documenting that we are in receipt of the CERCLA 104(e) Information Requests and that we are preparing to respond by April 9, 2021.

I apologize for the delay in our response. If you have any questions or comments you can reach me via email or on my mobile # (617) 957-5961.

Regards, John

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From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 3/12/2021 2:48:24 PM

To: Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: FW: Kennametal Response to Fansteel Metals CERCLA 104(e) Information Request

Attachments: Kennametal Response to USEPA Fansteel CERCLA Info Request(3.12.21).pdf

FYI

From: Seth Rice <seth.rice@kennametal.com>

**Sent:** Friday, March 12, 2021 7:16 AM **To:** Nixon, Lance < Nixon.Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: Kennametal Response to Fansteel Metals CERCLA 104(e) Information Request

#### Mr. Nixon:

Attached please find Kennametal Inc.'s response to U.S. EPA's CERCLA 104(e) information request regarding the Fansteel Metals site in Muskogee, Oklahoma. Per my prior correspondence, Kennametal is providing relevant documents in electronic format. The files are bates stamped and referenced accordingly in our response letter. You can download the files from the following Dropbox link (please let me know if you have any issues accessing the link):

https://www.dropbox.com/sh/4j5eyxdhgwfn015/AACXkv8Q8AON24nQ5Zk1UuGBa?dl=0

Best regards, Seth

#### Seth A. Rice

Assistant General Counsel
Global Director of Ethics & Compliance; CCEP
seth.rice@kennametal.com
T +1 412 248 8210

M +1 412 841 2918 F +1 724 539 3839

Ethics Helpline: 1-877-781-7319

Kennametal Inc. | 525 William Penn Place Suite 3300 | Pittsburgh, PA 15219 | www.kennametal.com

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March 12, 2021

# VIA E-MAIL

Mr. Lance M. Nixon (nixon.lance@epa.gov)
Enforcement Officer
United States Environmental Protection Agency
Region 6
1201 Elm Street
Suite 500
Dallas, TX 75270

Re: CERCLA 104(e) Information Request for

Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Dear Mr. Nixon:

On behalf of Kennametal Inc. ("Kennametal"), I am submitting the enclosed responses to the United States Environmental Protection Agency Region 6's Request for Information dated January 22, 2021, that Kennametal received on February 17, 2021. The information provided in the enclosed responses is based on a diligent review of information and records in the possession, custody, and control of Kennametal.

As instructed by EPA, Kennametal is submitting this response electronically via email with a file sharing link to the relevant documents, as per my previous correspondence with EPA counsel Elizabeth Pletan. For ease of reference, Kennametal has bates stamped the documents using the format KMTL-00001. The narrative responses follow below, subject to and incorporating the objections stated therein.

Kennametal reserves the right to supplement its responses should additional information or documents be located. If you have any questions, please do not hesitate to contact me.

Sincerely,

Seth A Rice

Attachment: Response to USEPA CERCLA 104(e) Fansteel Metals Facility Information Request



# Kennametal Inc.'s Response to the United States Environmental Protection Agency's CERCLA 104(e) Information Request Regarding the Fansteel Metals Facility March 12, 2021

After a diligent search, Kennametal provides its responses below, subject to the following objections:

- 1. Kennametal's responses to the Request are made to the best of Kennametal's present knowledge, are based upon information currently known and documents currently in Kennametal's records, and are given without prejudice to change, supplement and/or clarify, if necessary.
- 2. Kennametal's responses are made subject to and without in any way waiving or intending to waive, any objection as to the competency, relevancy, materiality, privilege, or admissibility as evidence for any purpose for any of the documents and information provided by Kennametal in its responses.
- 3. Kennametal objects to the Request on the grounds and to the extent that the Request seeks to impose upon Kennametal obligations relating to the identification and disclosure of confidential information that are different from, other than, or in addition to, those obligations set forth in 40 C.F.R., Part 2 and CERCLA Section 104(e)(7).
- 4. Kennametal objects to the Request on the grounds that it implies or infers responsibility with respect to hazardous substances that is different from, or broader than, that imposed by Section 107 of CERCLA, 42 U.S.C. §9607, or Section 7003 of RCRA, 42 U.S.C. §6873.
- 5. Kennametal objects to the Request on the grounds and to the extent that it seeks to impose upon Kennametal obligations relating to the investigation for, disclosure of, descriptions and representations concerning any information responsive to the Request that are different from, other than, or in addition to Section 104 of CERCLA, 42 U.S.C. §9604, or Section 3007 of RCRA, 42 U.S.C. §6972.
- 6. Kennametal objects to the Request on the grounds and to the extent it attempts to impose upon Kennametal obligations contrary to the provisions of Article III of the United States Constitution and Title 28 of the United States Code.



# USEPA CERCLA 104(e) REQUESTS:

1. Please provide the full legal name, mailing address, and phone number of the Respondent.

# RESPONSE:

Kennametal Inc. 525 William Penn Place Suite 3300 Pittsburgh, Pennsylvania 15219 Main phone: (724) 539-7641

2. For each person answering these questions on behalf of the Respondent, provide full name, title, business address, and business telephone and fax number.

# RESPONSE:

Seth A. Rice Assistant General Counsel Global Director of Ethics & Compliance; CCEP 525 William Penn Place Suite 3300 Pittsburgh, Pennsylvania 15219

Office Phone: (412) 248-8210 (\*due to pandemic office closures, please use email)

Fax: (724) 539-3839 seth.rice@kennametal.com

3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.

# RESPONSE:

CT Corporation System c/o Kennametal Inc. 1999 Bryan Street, Suite 900 Dallas, Texas 75201

Phone: (214) 979-1172

Candace.dunhoff@wolterskluwer.com

4. Please explain the business relationship between Respondent and Fansteel Metals.

<u>RESPONSE</u>: Following a diligent review of records and interviews with Kennametal employees, Kennametal has no detailed information about the business relationship between Kennametal and Fansteel Metals, which appears to have ended by 1983. In short, Kennametal was a customer of Fansteel Metals.



Based on the available records, it appears that Fansteel Metals could provide various technical services related to the conversion of materials, such as Tantalum Oxide (TA<sub>2</sub>O<sub>5</sub>) and TA Anodized Anodes, as described further in response to Questions 5 and 6 below. See KMTL-00001 to 00019. These two limited transactions between Kennametal and Fansteel Metals in 1979 and 1983 were related to the conversion of valuable materials. Neither involved the transfer or disposal of waste by Kennametal. As described below and in the attached documents, the records related to these limited transactions are scarce.

Kennametal is also providing documents that are not responsive to the information requests because they are not related to materials sent to Fansteel Metals by Kennametal. The documents labeled KMTL-00024 to 00405 are related to a series of transactions in 1963-1964 regarding Fansteel Metal's conversion of surplus tin slag owned by the United States government.

Based on our review of this record, the government's tin slag was not a waste; it was surplus material in its inventory. Kennametal's role in this transaction was to submit a purchase order for the converted materials after processing by Fansteel Metals. See KMTL-00044; KMTL-00070 to 00074. See also KMTL-00075 at 00105 to 00106 for a record of shipments made by Fansteel to Kennametal. It also appears that Kennametal was a customer separately purchasing valuable materials from Fansteel Metals in 1963. See KMTL-00075 for an example of such an order.

Kennametal assumes that the USEPA is already in possession of these records but is providing them and the following descriptions of these transactions to assist in USEPA's review.

- a. Type and purpose of the transaction According to available records, the purpose of the transaction was for Fansteel Metals to convert U.S. government owned surplus tin slag to produce tantalum oxide (Ta<sub>2</sub>O<sub>5</sub>) and columbium oxide (Cb<sub>2</sub>O<sub>5</sub>) for the Government Services Administration (GSA). See KMTL-00026. See also KMTL-00026 at 00029 to 00030 for purity specifications for the produced material. Some processing details are provided in a Fansteel Metals internal memo, KMTL-00107 at 0131. These conversion activities were arranged entirely between Fansteel Metals and the U.S. government.
- b. <u>Description of materials</u> Upon delivery of the tin slag to Fansteel Metals by GSA, the material was weighed and sampled by Fansteel with a GSA representative present. See KMTL-00021-00025; KMTL-00026 at 00027; KMTL-00050 at 00057; and KMTL-00107 at 00123. See also KMTL-00026 for details of the initial contract quantities of government material to be sent to Fansteel Metals from the government depot in Wardwell, OH. KMTL-00046-00047 provides tally sheets for the weight of each drum sent by GSA from the government's Wardwell, OH depot. KMTL-00048-00049 provides the tally sheets for the weight of each drum sent to Fansteel Metals by GSA from its Romulus, New York depot.



Materials subsequently shipped to Kennametal were analyzed by Fansteel Metals before shipment. See for example KMTL-00264 to 00275; KMTL-00319 to 00404. Materials received by Kennametal from Fansteel Metals were also analyzed in various Reports of Assay. See for example KMTL-00081 to 00086. Numerous discussions took place over time regarding the quality of the material shipped to Kennametal. KMTL-00141 to 00175.

- c. According to the documents, the amounts paid to Fansteel were based on price per pound of tantalum oxide \$3.42 /lb and columbium oxide, \$1.48 /lb. KMTL-00030.
- d. <u>Dates</u> The earliest records include correspondence between Kennametal and Fansteel Metals in May through June of 1963 at which time Fansteel developed a proposal to convert the U.S. government's tin slag. KMTL-00107. As the parties considered the project for GSA, some materials were shipped to Kennametal for review. KMTL-00107 at 00109 to 00113; KMTL-00237; KMTL-00239. See also KMTL-00070 to 00074 for Fansteel Metals internal memos about the purchase order contract under which Fansteel Metals would send materials to Kennametal.

GSA transported tin slag from two U.S. government depot locations to Fansteel Metals on two dates:

- 1) 87 drums from Warren Depot, Wardwell, Ohio on July 22, 1963, KMTL-00022; KMTL-00107 at 00124-0016; and
- 2) 100 drums from the Seneca Army Depot, Romulus, New York on September 3, 1963. KMTL-00020.

See also a summary of shipments and receipts, KMTL-00107 at 00119 to 00121.

According to available correspondence, the last shipment of columbium oxide from Fansteel Metals to Kennametal was made on March 17, 1964. KMTL-00075 at 000105; KMTL-00203 at 00225 to 00232. Shipments of other materials had been completed by December 26, 1963. See KMTL-00176 at 00181 to 00185 for the status of deliveries to Kennametal as of November 7, 1963; and KMLT-00203 to 00206 for the status of deliveries to Kennametal as of December 26, 1963. Various shipping notices are provided in KMTL-00247 to 00263.

During the 1963-1964 transactions, Kennametal did not ship materials to Fansteel Metals other than the following, neither of which involved waste:

- 1) return of a non-conforming lot and related samples in November 1963, KMTL-00075 at 00098 and 00100; KMTL-00176 at 00194; and
- 2) a sample in February 1964 to demonstrate contamination in materials provided by Fansteel to Kennametal. KMTL-00075 at 00102; KMTL-00203 at 00234.



- e. <u>Transportation</u> of the government owned tin slag to Fansteel Metals from Warren Ohio was provided by Indiana Valley Railroad Company. KMTL-00051. Transportation of the government owned tin slag from Romulus New York was provided by Lehigh Valley Railroad Company. KMTL-0067-00069.
- f. <u>Facilities</u> from which materials were sent included two government depots one in Wardwell. Ohio and one in Romulus, New York. See above.
- g. Ownership of the tin slag remained in the GSA from beginning to end of the transactions, in transport to and from Fansteel Metals, and on location at Fansteel Metals. KMTL-00026 at 00027 and KMTL-00050 at 00067. Fansteel referred to its receipt of the material as a "consignment." KMTL-00107 at 00129.

Under the terms of the contract with Fansteel Metals, title and ownership of the containers transferred to Fansteel when the containers were emptied. KMTL-00022 to 00023; KMTL-00026 at 00027; and KMTL-00107 at 00118. Ownership of residuals resulting from the conversion of the government's tin slag remained with Fansteel. *Id.* Nothing in the available record indicates that the residuals were waste. The value of the residuals and containers was considered in the contracted price for processing the government owned tin slag. KMTL-00031.

As can be seen from this record, this series of documents is not responsive to the USEPA's CERCLA 104(e) request for information directed to Kennametal. According to the record, Kennametal did not send any material to Fansteel Metals in this time period other than a few samples to demonstrate that the specifications of the purchase order contract had not been met, and the return of a nonconforming order.

- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the Respondent for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, logbook entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;

<u>RESPONSE</u>: Kennametal reviewed its records and located a limited number of documents summarizing a shipment of valuable materials to Fansteel for conversion to other valuable materials. Refer to documents labeled KMTL-00001-00019.

b. A description of the materials involved, including their quantity and chemical content and characteristics;

**RESPONSE**: Provided below are references to the relevant documents, and the materials and quantities of materials sent by Kennametal to Fansteel Metals.



- KMTL-00001 to 00002: TAO, 4,000 pounds.
- KMTL-00003 to 00006: Tantalum Oxide, 4,000 pounds; Tantalum Carbide, 3,400 pounds.
- KMTL-00007: TA205, 4,000 pounds; 3,400 pounds, TAC.
- KMTL-00008 to 00009: TA Oxide, 4,000 pounds
- KMTL-00010 to 00011: Tantalum Oxide, 4,000 pounds.
- KMTL-00012 to 00014: TA Anodized Anodes, 2,014 pounds.
- KMTL-00015 to 00019: TA Anodized Anodes, 2,002.5 pounds.
- c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;

<u>RESPONSE</u>: Based on a review of Kennametal records, Kennametal has no information regarding steps taken to determine whether the materials contained hazardous substances at the time of each transactions. Regarding transportation of valuable materials to Fansteel, the documents identified in Kennametal's response to Question 5.b indicate such materials were shipped in drums.

d. Any amounts paid by or to Respondent in connection with each transaction;

RESPONSE: Some of the documents identified in Kennametal's response to Question 5.b indicate that Fansteel charged Kennametal for converting and/or shipping the valuable materials shipped to Fansteel for conversion. For example, documents KMTL-00008 to 00009 (Fansteel Shipping Notices), indicate a total charge of \$16,660.00 to Kennametal for 3,400 pounds of TAC (converted from 4,000 pounds of TA Oxide). Other documents from those labeled KMTL-00001-00019 contain fewer or no financial details. These documents do not show actual payments by or to Kennametal.

e. The date of each transaction;

**RESPONSE**: See Kennametal's response to Question 5.f for transaction-related dates.

f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;

<u>RESPONSE</u>: The documents below appear to show dates regarding transportation of materials to the Site or to Kennametal.

- August 27, 9 (apparent clerical error) (KMTL-00003 to 00004): Site received 4,000 pounds of Tantalum Oxide from Kennametal.
  - September 1979 (KMTL-00005): Site shipped 3,400 pounds of Tantalum Carbide to Kennametal.
- Undated (KMTL-00007): Received 4,000 pounds TA205;



- o Shipped 3,400 pounds TAC to Kennametal.
- October 29, 1979 and November 28, 1979 (KMTL-00008 to 00009): Fansteel shipped to Kennametal a total of 3,400 pounds of TAC.
- October 2, 1979 (KMTL-00010): Site received 4,000 pounds of Tantalum Oxide from Kennametal.
- December 15, 1983 (KMTL-00012): Site received 2,014 pounds of TA Anodized Anodes from Kennametal.
- December 6, 1983 (KMTL-00014): Kennametal shipped 2,014 pounds of TA Anodized Anodes to Site.
- August 6, 1983 (KMTL-00015 to 00016): Site received 2,002.5 pounds of TA Anodized Anodes from Kennametal.
- July 25/27, 1983 (KMTL-00017 to 00018): Kennametal shipped 2,002.5 pounds of tantalum anodized anodes to Site.
- g. The name(s) and address(es) of any entities providing transportation services for such materials;

**RESPONSE**: The included documents labeled KMTL-00001 to 00019 identify the following entities related to transportation services as part of the transactions:

- Leeway
- Continental Air Freight
- Interstate
- Consolidated Freightways (also listed as Con\*dated Fgt, Consolid\*d Fgt, and CF);
   P.O. Box 4488, Portland Oregon 97208.
- h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and

**RESPONSE**: The included documents labeled KMTL-00001 to 00019 identify the following Kennametal facilities from which the valuable materials were sent to the Site:

Kennametal, Inc., Pittsburgh PA 15205 Kennametal, Inc., Latrobe, PA

The nature and scope of operations at the above facilities is unknown due to the passage of time and lack of available information.

i. If ownership of material changed at any point as a result of the transaction.

<u>RESPONSE</u>: Based on a review of Kennametal records, Kennametal has no information regarding whether ownership of the valuable materials changed during the transactions identified in the documents labeled KMTL-00001 to 00019.



- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?

**RESPONSE**: A review of Kennametal records yielded no information indicating that Kennametal employees or other representatives visited the Site. As such, Kennametal has identified no information regarding activities and/or business practices at the Site.

b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.

**RESPONSE**: Please refer to Kennametal's response to Question 6.a.

c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?

**RESPONSE**: Based on a review of Kennametal records, there is nothing to indicate that Kennametal was aware that hazardous substances were disposed at the Site during those times that Kennametal transacted with Fansteel Metals or any other time.

d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?

**RESPONSE**: A review of Kennametal records yielded no information indicating that Kennametal had any influence over waste disposal activities at the Site.

e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?

**RESPONSE**: A review of Kennametal records yielded no information to demonstrate Kennametal's knowledge whether the owner(s)/operator(s) of the Site were or were not removing a hazardous substance from transferred materials.

f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?

<u>RESPONSE</u>: A review of Kennametal records yielded no information demonstrating Kennametal's knowledge (based on general industry knowledge or otherwise) of whether hazardous substances would need to be removed from transferred materials for the material to be useful.



g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.

<u>RESPONSE</u>: A review of Kennametal records yielded no information regarding discussions and/or planning regarding hazardous substances in transferred materials. The record contains no indication of an intent to dispose of hazardous substances at the Site.

h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

**RESPONSE**: Based on a review of Kennametal records, Kennametal is not aware of the measures it took to determine the actual means of treatment, disposal, or other uses of hazardous substances at the Site and has not identified information regarding treatment and disposal practices at the Site. Likewise, reviewed records do not provide any information that the Site's owner(s)/operator(s) provided any assurances to Kennametal regarding handling and ultimate disposition of any hazardous substances at the Site.

From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 2/5/2021 2:03:04 PM

**To**: Gerry Caron [gerry.caron@cabotcorp.com]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

**Subject**: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

# Good morning,

Your request for an extension has been approved. I'll send you a signed approval letter by email hopefully next week.

-Lance

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Thursday, February 4, 2021 5:16 PM **To:** Nixon, Lance < Nixon. Lance@epa.gov>

Subject: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Thanks Lance, Gerry

From: Nixon, Lance < Nixon, Lance@epa.gov > Sent: Thursday, February 4, 2021 4:32 PM
To: Gerry Caron < gerry.caron@cabotcorp.com >

Cc: Pletan, Elizabeth < Pletan, Elizabeth@epa.gov >; Clarke, Angienell < Clarke, Angienell@epa.gov >

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Gerry,

I have submitted your request for an extension to my management. I'll be in touch as soon as hear back. Thank you for your cooperation.

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Thursday, February 4, 2021 2:43 PM **To:** Nixon, Lance <Nixon.Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov >; Clarke, Angienell < Clarke. Angienell@epa.gov >

**Subject:** RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. It appears to me that it will take us additional time beyond the 30 days to conduct internal record checks, etc. to respond properly to EPA's information request, particularly given how far back in time the request and information relate to. I would like to request an additional 30 days for Cabot to respond to EPA's request. Can you please confirm if such an extension is acceptable to the agency?

Thanks, Gerry

From: Nixon, Lance < Nixon.Lance@epa.gov > Sent: Wednesday, February 3, 2021 11:26 AM To: Gerry Caron < gerry.caron@cabotcorp.com >

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Gerry,

Thank you for your response. Yes, I agree that email would be the best way to correspond. I do check my voicemail frequently, but email is best.

I've attached a document that we have in our files indicating a nexus between Cabot Corp. and the Fansteel Metals site. I hope you find the document helpful.

Please let me know if you need anything else or have additional questions.

**Thanks** 

-Lance Nixon

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Tuesday, February 2, 2021 3:15 PM **To:** Nixon, Lance < Nixon. Lance@epa.gov>

Subject: FW: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. I left you a voicemail a few minutes ago introducing myself on behalf of Cabot Corp. I realize with Covid and so many folks working remotely that email may be a better choice than voicemail!

Could you please email to me any documents that EPA has in its file indicating a nexus between Cabot Corp. and the Fansteel Metals site? This will help us conduct an internal review and inquiry regarding the site and any potential connections with Cabot Corp.

Please let me know if you have any questions. Also, if you would like to call me, by cell number is 617-515-4529.

Thanks,

Gerry Caron

From: Nixon, Lance < Nixon.Lance@epa.gov>
Sent: Monday, February 1, 2021 3:23 PM
Tay Karan Kalibaratan

To: Karen Kalita < Karen Kalita@cabotcorp.com > Cc: Pletan, Elizabeth < Pletan Elizabeth@epa.gov >

Subject: [EXTERNAL] Fansteel Metals 104(e) Information Request

Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mailto:nixon.lance@epa.gov">nixon.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or <a href="mailto:Pletan.elizabeth@epa.gov">Pletan.elizabeth@epa.gov</a>.

Thank You.

# Lance Nixon

**Enforcement Officer** 

U.S. Environmental Protection Agency Superfund and Emergency Management Division Assessment and Enforcement Branch 214-665-2203

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From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 2/26/2021 2:16:42 PM

**To**: Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: FW: Section 104e Request: Fansteel

Attachments: Fansteel Response .pdf; ExhibitA.pressrelease.pdf; ExhibitB.depotlist.pdf; ExhibitC.Determinations.pdf;

ExhibitD.recordstransfer.pdf

GSA's 104e response.

From: Tina Chiappetta - LR <christina.chiappetta@gsa.gov>

Sent: Thursday, February 25, 2021 4:19 PM

To: Nixon, Lance <Nixon.Lance@epa.gov>; Pletan, Elizabeth <Pletan.Elizabeth@epa.gov>

Cc: Katharine Healy - LR <katharine.healy@gsa.gov>

Subject: Section 104e Request: Fansteel

Good afternoon,

Attached is GSA's response to your request for information relating to Fansteel Metals.

Please let us know if you have questions.

Thanks,

Tina Chiappetta
Real Property Division
Office of General Counsel
General Services Administration
1800 F Street NW, Room 2019
Washington, DC 20405

Tel.: 202 969 4102 Cell: 202 258 8626

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From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 3/3/2021 9:30:29 PM

To: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: FW: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Attachments: EPA Fansteel 030321.pdf

The attached letter is from Metallurg. I spoke with John Hunt earlier today. I will look for nexus documents for them as well.

From: John Hunt <jhunt@amg-nv.com>
Sent: Wednesday, March 3, 2021 1:08 PM
To: Nixon, Lance <Nixon.Lance@epa.gov>

Subject: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Mr. Nixon,

I received your CERCLA 104(e) Information Requests dated January 22, 2021 that were sent to the attention of Dr. Heinz Schimmelbusch at Metallurg, Inc located at 435 Devon Park Dr, Building 200, Wayne, PA 19087. Unfortunately our office has been closed with limited access due to COVID-19 restriction. Please find attached a letter documenting that we are in receipt of the CERCLA 104(e) Information Requests and that we are preparing to respond by April 9, 2021.

I apologize for the delay in our response. If you have any questions or comments you can reach me via email or on my mobile # (617) 957-5961.

Regards, John

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# Metallurg, Inc.

Via Email To: Nixon.lance@epa.gov

March 3, 2021

Mr. Lance Nixon
United States Environmental Protection Agency
Region 6
1201 Elm Street
Suite 500
Dallas, Texas 75270

# RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Dear Mr. Nixon,

I am in receipt of the following CERCLA 104(e) Information Requests dated January 22, 2021 that were sent to the attention of Dr. Heinz Schimmelbusch at Metallurg, Inc located at 435 Devon Park Dr, Building 200, Wayne, PA 19087:

Certified Mail, Return Receipt #7020 0640

0000 9754 2334

**GFE Conversion** 

Metallurg, Inc

Heinz Schimmelbusch, CEO

435 Devon Park Drive, Suite 200

Wayne, PA 19087

Certified Mail, Return Receipt #7020 0640

0000 9754 2389

The Corporation Trust Company for

Metallurg, inc

1209 Orange Street

Wilmington, Delaware 19801

Due to COVID-19 restrictions our office is currently closed with limited access. The information request letters were placed on my desk however I have not been in my office in the past two months. The letters have sat idle on my desk until I visited my office this week.

We are reviewing the 104(e) Information Request, including the Questions identified within Enclosure 3. We will provide our response by April 9, 2021.

Please let me know if you have any questions. I can be reached at (617) 957-5961.

Regards,

John Hunt

Director of Environmental Projects

435 Devon Park Drive, 200 Building, Wayne, PA 19087

From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 3/3/2021 9:26:43 PM

**To**: John Hunt [jhunt@amg-nv.com]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

We look forward to hearing from you April 9, 2021. I will try to get some nexus documents to you sometime next week. Your cooperation is greatly appreciated.

-Lance

From: John Hunt <jhunt@amg-nv.com>
Sent: Wednesday, March 3, 2021 1:08 PM
To: Nixon, Lance <Nixon.Lance@epa.gov>

Subject: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Mr. Nixon,

I received your CERCLA 104(e) Information Requests dated January 22, 2021 that were sent to the attention of Dr. Heinz Schimmelbusch at Metallurg, Inc located at 435 Devon Park Dr, Building 200, Wayne, PA 19087. Unfortunately our office has been closed with limited access due to COVID-19 restriction. Please find attached a letter documenting that we are in receipt of the CERCLA 104(e) Information Requests and that we are preparing to respond by April 9, 2021.

I apologize for the delay in our response. If you have any questions or comments you can reach me via email or on my mobile # (617) 957-5961.

Regards, John

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From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 2/4/2021 9:32:21 PM

**To**: Gerry Caron [gerry.caron@cabotcorp.com]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

**Subject**: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

#### Hi Gerry,

I have submitted your request for an extension to my management. I'll be in touch as soon as hear back. Thank you for your cooperation.

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Thursday, February 4, 2021 2:43 PM **To:** Nixon, Lance < Nixon. Lance@epa.gov>

Cc: Pletan, Elizabeth <Pletan. Elizabeth@epa.gov>; Clarke, Angienell <Clarke. Angienell@epa.gov>

Subject: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. It appears to me that it will take us additional time beyond the 30 days to conduct internal record checks, etc. to respond properly to EPA's information request, particularly given how far back in time the request and information relate to. I would like to request an additional 30 days for Cabot to respond to EPA's request. Can you please confirm if such an extension is acceptable to the agency?

Thanks, Gerry

From: Nixon, Lance < Nixon, Lance@epa.gov > Sent: Wednesday, February 3, 2021 11:26 AM To: Gerry Caron < gerry.caron@cabotcorp.com >

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

# Hi Gerry,

Thank you for your response. Yes, I agree that email would be the best way to correspond. I do check my voicemail frequently, but email is best.

I've attached a document that we have in our files indicating a nexus between Cabot Corp. and the Fansteel Metals site. I hope you find the document helpful.

Please let me know if you need anything else or have additional questions.

**Thanks** 

-Lance Nixon

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Tuesday, February 2, 2021 3:15 PM **To:** Nixon, Lance < Nixon, Lance@epa.gov>

Subject: FW: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. I left you a voicemail a few minutes ago introducing myself on behalf of Cabot Corp. I realize with Covid and so many folks working remotely that email may be a better choice than voicemail!

Could you please email to me any documents that EPA has in its file indicating a nexus between Cabot Corp. and the Fansteel Metals site? This will help us conduct an internal review and inquiry regarding the site and any potential connections with Cabot Corp.

Please let me know if you have any questions. Also, if you would like to call me, by cell number is 617-515-4529.

Thanks,

Gerry Caron

From: Nixon, Lance < Nixon.Lance@epa.gov>
Sent: Monday, February 1, 2021 3:23 PM
To: Karen Kalita < Karen.Kalita@cabotcorp.com>
Cc: Pletan, Elizabeth < Pletan.Elizabeth@epa.gov>

Subject: [EXTERNAL] Fansteel Metals 104(e) Information Request

Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mailto:nixon.lance@epa.gov">nixon.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or Pletan.elizabeth@epa.gov.

Thank You.

# Lance Nixon

Enforcement Officer
U.S. Environmental Protection Agency
Superfund and Emergency Management Division
Assessment and Enforcement Branch
214-665-2203

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From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 2/4/2021 9:04:33 PM

**To**: Webster, Susan [webster.susan@epa.gov]

CC: Johnson, Lydia [johnson.lydia@epa.gov]; Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Clarke, Angienell

[Clarke.Angienell@epa.gov]

**Subject**: FW: Fansteel Metals 104(e) Information Request/Cabot Corp.

#### Hi Susan,

Cabot Corporation, a recipient of a 104e for Fansteel, has requested a 30 day extension to respond to the request. Your approval of this request will make the response do April 5, 2021. If you approve, I will draft an extension letter for your signature.

Thanks
-Lance

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Thursday, February 4, 2021 2:43 PM **To:** Nixon, Lance < Nixon. Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. It appears to me that it will take us additional time beyond the 30 days to conduct internal record checks, etc. to respond properly to EPA's information request, particularly given how far back in time the request and information relate to. I would like to request an additional 30 days for Cabot to respond to EPA's request. Can you please confirm if such an extension is acceptable to the agency?

Thanks, Gerry

From: Nixon, Lance < Nixon.Lance@epa.gov>
Sent: Wednesday, February 3, 2021 11:26 AM
To: Gerry Caron < gerry.caron@cabotcorp.com>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

# Hi Gerry,

Thank you for your response. Yes, I agree that email would be the best way to correspond. I do check my voicemail frequently, but email is best.

I've attached a document that we have in our files indicating a nexus between Cabot Corp. and the Fansteel Metals site. I hope you find the document helpful.

Please let me know if you need anything else or have additional questions.

Thanks

-Lance Nixon

From: Gerry Caron <gerry.caron@cabotcorp.com>

Sent: Tuesday, February 2, 2021 3:15 PM

To: Nixon, Lance < Nixon. Lance @epa.gov>

Subject: FW: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. I left you a voicemail a few minutes ago introducing myself on behalf of Cabot Corp. I realize with Covid and so many folks working remotely that email may be a better choice than voicemail!

Could you please email to me any documents that EPA has in its file indicating a nexus between Cabot Corp. and the Fansteel Metals site? This will help us conduct an internal review and inquiry regarding the site and any potential connections with Cabot Corp.

Please let me know if you have any questions. Also, if you would like to call me, by cell number is 617-515-4529.

Thanks,

Gerry Caron

From: Nixon, Lance <Nixon.Lance@epa.gov>
Sent: Monday, February 1, 2021 3:23 PM
To: Karen Kalita <Karen.Kalita@cabotcorp.com>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: [EXTERNAL] Fansteel Metals 104(e) Information Request

Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mailto:nixon.lance@epa.gov">nixon.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or Pletan.elizabeth@epa.gov.

Thank You.

# Lance Nixon

Enforcement Officer
U.S. Environmental Protection Agency
Superfund and Emergency Management Division
Assessment and Enforcement Branch
214-665-2203

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FAX MEMO TO: BILL SHEUBROOKS

CABOT CORPORATION

FAX #215/367-2182, EXT FAX

1/15/87

BILL: PER OUR PHONE CONVERSATION THIS AM, FOLLOWING IS THE DETAIL ON THE ORES/CONCENTRATES BEING SHIPPED TO YOU PER THE "SWAP" AGREEMENT:

DRUM COUNT	FANSTEEL LOT NO.	ORIGINAL LOT NO.	NET WET WEIGHT (POUNDS)
69	1 (2299)	2543	30,726
31 5	2 (2333) 3 (2338)	T15T021 T-4	13,625 2,236
5	4 (2340)	T-6	2,211
1.00	5 (2434)	T-82	10,990
13	6 (2448)	4	5,729
7	7 (2449)	13751	3,074
14	8 (2466)	5/18YELLOW	20,010
20	9 (2480)	16197	39,682
334	TOTAL		128.283

AND, TO RECAP THE INFORMATION YOU REPORTED TO ME VERBALLY, THE THAI SLAGS LOTS SHIPPING TO MUSKOGEE ARE:

DRUM COUNT	CABOT LOT NO.	BILLITON LOT NO.	NET WET WEIGHT (POUNDS)
120	2429	592	117,743
120	2444	588	111,957
120	2515	654	110,930
<u>120</u>	2520	661	110,784
480	TOTAL		451,414

BILL, AS WE DISCUSSED, THESE ARE APPROXIMATE TOTALS, AND WILL BE FIRMED UP AS WE SHIP. PLEASE LET ME KNOW IF YOU REQUIRE FURTHER INFORMATION.

REGARDS,

DONNA GILSTRAP (918) 687-6303

3-7-88.

Knight Lobs - Kin M'Kenne / Ded

Knight Lobs - Kin M'Kenne / Ded

Sinch sep & galedple of FNC Mattle

in Knight Lobs. Let my know

when analysis isiel be done.

# Inter-Office Correspondence []///SIEEL /NC.

TO R. H. Ford FROM K. R. Garrity

cc: J. H. Devlin DATE July 13, 1972 S. W. Lindroth

C. L. Brown / SUBJECT Thai Slags

'On July 11th I received a phone call from G. Brown and Graham informed me he was currently located on the 42nd floor of the Union Carbide Building and expected to remain there for at least 4-6 weeks. He will then move to the offices of the Billiton Trading Company.

Graham advised that he had met with Stearn and Epremian the previous day and received a very cool reception. Both Stearn and Epremian were unhappy with the decision to transfer all selling responsibility for Thai slags to Billiton/Union Carbide joint venture. Although we have not officially been notified, I expect further negotiations, analytical and packaging problems, weight discrepancies, etc. to be handled by the joint venture company and not the Metals & Mining Div. of Union Carbide.

Graham would like to meet with us in early August and review our current contract. He suggested New York, however, I'd be more inclined to meet in Chicago unless you have plans to discuss tungsten with Rawlings and we could combine the discussions on the same day. I will continue negotiations on the phone with Graham, however, I am of the opinion that we should wait to meet with Graham until we are told by Mining & Metals that responsibility has been transferred to Billiton. We should not jeopardize our relationship with Stearns in any way in view of the tungsten situation and our sales to Kemet.

Graham talked about new methods of packaging and wanted to arrange a meeting in Muskogee with a Mr. Roymas (Packaging engineer for joint company) to discuss our packaging problems and see our material handling facility. I am not prepared to have men from Billiton walk through our facility and would not want to do this until after we have had a meeting and thorough understanding with Graham. If I read Graham correctly, they want to start shipping from Phuket as soon as possible and are looking for different ways to transport material. I get the feeling they would like to ship in bulk and not in drums. We would not be against shipping in bulk providing;

- 1. Weight is determined at Port of Muskogee
- 2. Sampling at Muskogee

3343

# Inter-Office Correspondence [ ] ANSIEEE IN

TO R. H. Ford FROM K. R. Garrity

Page -2- DATE July 13, 1972

SUBJECT That Slags

 Reduction in price to compensate for our having to purchase containers

4. Consigned stock in Muskogee

The material in Thailand is currently in a pile under canvascover. It has not been packaged nor analyzed. With our discrepancies in analysis on the recent receipts it becomes more important that adequate sampling is performed and that a new correlated analytical procedure agreed to between Fansteel and Billiton.

With your concurrence and if we receive notification from Stearns, I will try to set-up a meeting in Chicago with Graham either 8/8 or 8/9.

Keith R. Garrity

as

This Agreement, made and entered into this 12th day of August, 1969, by and between

UNION CARRIDE CORPORATION, a corporation organized and existing under the laws of the State of New York (hereinafter referred to as "Union Carbide")

#### and

PANSTEEL, INC., a corporation organized and existing under the laws of the State of New York (hereinafter referred to as "Fansteel")

## WITNESSETH: That

In consideration of the mutual covenants herein contained, the parties hereto have covenanted and agreed and by these presents do covenant and agree as follows:

### ARTICLE I

### PURCHASE BY UNION CARBIDE OF CAPACITOR GRADE TANTALUM POWDER

Section 1. Fansteel shall sell and deliver to Union Carbide, and Union Carbide shall purchase and accept from Fansteel, FD grade, FG grade and FC-18 grade tantalum powder in the amounts and subject to the terms and conditions set forth in this Agreement. The term of this Agreement shall commence as of the date hereof, and shall continue through December 31, 1971. Union Carbide agrees to purchase not less than 70% of its requirements of capacitor grade tantalum powder during the period from January 1, 1970, through December 31, 1971, (but not including use of powder inventories on hand as of January 1, 1970) from Fansteel, and Fansteel agrees to supply the same to Union Carbide, pursuant to the terms hereof.

All the terms and conditions of this Agraement shall apply to any powder purchased by Union Carbide from Fansteel during 1969 from the date hereof; however, only powder purchased in 1969 after the date hereof in excess of an aggregate of 10,000 pounds will apply against Union Carbide's 70% commitment for 1970. of such FD grade and FC-18 grade powder to be sold and delivered to Union Carbide hereunder shall meet the specifications for such powders set forth respectively in Exhibits A and C attached hereto and made a part hereof by reference. The specifications for FG grade powder are to be added hereto as Exhibit B upon agreement between the parties. If no agreement as to such specifications occurs prior to December 1, 1969, then this Agreement shall have no force and effect and neither Union Carbide nor Fansteel shall have any further obligations hereunder except as to powder purchased by Union Carbide from Fansteel prior to such date. Additional grades of tantalum powder may be added by agreement of the parties with specifications and prices to be agreed upon.

If Union Carbide gives notice of its powder requirements as provided in Article IV, Section 2, and Fansteel fails to deliver such materials to specification during the subsequent calendar quarter, then the quantity of material not delivered may be obtained by Union Carbide from other sources, and such material shall be credited against Union Carbide's 70% purchase commitment under this Section.

Section 2. As consideration for the sale by Fansteel to Union Carbide of such capacitor grade powder,

Union Carbide shall:

- (a) Pay to Fansteel in cash the following amounts per pound of tantalum powder delivered:
  - (i) \$9.16 per pound of FD grade tantalum powder
  - (11) \$6.10 per pound of FG grade tantalum powder
  - (111) \$8.50 per pound of FC-18 grade tantalum powder
- (b) Deliver to Fansteel 1.3 pounds of tantalum contained in tantalum oxide (Ta205) meeting the specifications set forth in Exhibit D attached hereto and made a part hereof by reference, for each pound of tantalum powder purchased by Union Carbide hereunder.

Section 3. Notwithstanding the requirement of the foregoing Section 2(b) that the Ta<sub>2</sub>O<sub>5</sub> to be delivered to Fansteel shall meet the specifications set forth in Exhibit D, Union Carbide shall consign to Fansteel 24 lots of Ta<sub>2</sub>O<sub>5</sub> consisting of an aggregate of 54,378 pounds of Ta<sub>2</sub>O<sub>5</sub> and with a chemical analysis as listed in Exhibit I attached hereto, which do not meet the aforesaid specifications of Exhibit D. Such lots are consigned for the purpose of satisfying in part Union Carbide's obligations pursuant to the foregoing Section 2(b) and Article II, Section 1. Fansteel shall withdraw one pound of such out-of-specification material for each pound of Ta<sub>2</sub>O<sub>5</sub> shipped to Fansteel pursuant to Section 2(b) meeting said specifications, and shall apply such out-of-specification material to Union Carbide's

obligations under Section 2(b). In addition, Fansteel shall have the right to make advance withdrawals of such material at any time and from time to time, such withdrawals to be applied against Union Carbide's obligations pursuant to Section 2(b). Whenever Fansteel withdraws any of such consigned out-of-specification Ta<sub>2</sub>0<sub>5</sub> pursuant to the provisions of this paragraph, it shall promptly advise Union Carbide in writing of the lot number and amount of Ta<sub>2</sub>0<sub>5</sub> so withdrawn.

## ARTICLE II

PURCHASE BY FANSTEEL OF Ta205 OR THAT SLAGS

Section 1. For each pound of capacitor grade tantalum powder sold and delivered by Fansteel to Union Carbide pursuant to the provisions of Article I hereof during the term of this Agreement and to the extent Fansteel has requirements for tantalum contained in Ta<sub>2</sub>O<sub>5</sub> (exclusive of inventories on hand as of January 1, 1970), Fansteel agrees to purchase or have processed one pound of tantalum contained in Ta<sub>2</sub>O<sub>5</sub> from Union Carbide in one or both of the following optional ways:

- (a) By purchasing  $Ta_2O_5$  processed from raw materials owned by Union Carbide at the price of \$9.75 per pound of  $Ta_2O_5$ .
- (b) By having Ta<sub>2</sub>O<sub>5</sub> extracted by Union Carbide from raw materials supplied by Fansteel at a price of \$2.50 per pound of Ta<sub>2</sub>O<sub>5</sub> delivered. The raw materials to be supplied by Fansteel to Union Carbide

for this purpose shall be natural ores containing 38% plus or minus 3%  $Ta_2O_5$  and 28% plus or minus 2% of  $Cb_2O_5$ . Union Carbide shall be obligated to deliver to Fansteel all  $Ta_2O_5$  and  $Cb_2O_5$  extracted from such ores but in no case less than the following yields with respect to such materials:

Ta<sub>2</sub>0<sub>5</sub> 90% Cb<sub>2</sub>0<sub>5</sub> 85%

The  ${\rm Ta_2O_5}$  and the  ${\rm Cb_2O_5}$  to be delivered to Fansteel by Union Carbide hereunder shall meet the specifications for  ${\rm Ta_2O_5}$  and  ${\rm Cb_2O_5}$  set forth in Exhibits D and E respectively attached hereto and made a part hereof by reference, except to the extent that the  ${\rm Ta_2O_5}$  referred to in Article I, Section 3 hereof may be applied in satisfaction of Option (a) above.

Carbide 72,922 pounds of  $Cb_2O_5$  as detailed in Exhibit F attached hereto. The parties agree that Fansteel shall have the option not to deliver such material and to credit such material against Union Carbide's obligation to deliver  $Cb_2O_5$  to Fansteel pursuant to the provisions of Paragraph (b) of this Section; provided, however, that in such event Fansteel agrees to have sufficient amounts of natural ores processed by Union Carbide pursuant to such Paragraph (b) during the term of this Agreement or for advance delivery under the provisions of Section 2 of this Article II to yield sufficient amounts of  $Cb_2O_5$  to exhaust such credit. Such option shall be exercised by notice given by Fansteel

to Union Carbide not later than August 15, 1969. The amounts of  $\text{Cb}_2\text{O}_5$  to be credited against Union Carbide's obligation to deliver  $\text{Cb}_2\text{O}_5$  shall be based upon the actual  $\text{Cb}_2\text{O}_5$  content contained in natural ores delivered to Union Carbide for processing with the assumption of an 85% yield from such ores. Until such time as all of such  $\text{Cb}_2\text{O}_5$  retained by Fansteel shall be credited against Union Carbide's obligations, Union Carbide shall be entitled to retain all  $\text{Cb}_2\text{O}_5$  extracted from ores delivered to Union Carbide for processing pursuant to said Paragraph (b).

With respect to any Cb<sub>2</sub>O<sub>5</sub> extracted from Fansteel's ores in excess of the amounts referred to in the preceding paragraph (or, if Fansteel elects not to retain the Cb<sub>2</sub>O<sub>5</sub> now owed to Union Carbide, then with respect to all Cb<sub>2</sub>O<sub>5</sub> extracted from Fansteel's ores), the parties agree that Fansteel shall have the right to sell such Cb<sub>2</sub>O<sub>5</sub> to Union Carbide at a price to be agreed upon from time to time by the parties, but not less than \$1.40 per pound of Cb<sub>2</sub>O<sub>5</sub>. In the event that the parties are unable to agree upon a price for such Cb<sub>2</sub>O<sub>5</sub>, then Fansteel shall have the option of either accepting delivery of such Cb<sub>2</sub>O<sub>5</sub> or requiring Union Carbide to purchase such Cb<sub>2</sub>O<sub>5</sub> at the price of \$1.40 per pound.

Section 2. Fansteel agrees to purchase its entire requirements of refined Ta205 during the period from January 1, 1970 through December 31, 1971 (except for inventories on hand as of January 1, 1970), and Union Carbide

shall supply such requirements at the price set forth in the preceding Section 1. In the event that during the term of this Agreement Fansteel has satisfied its requirements for refined Ta<sub>2</sub>05 but has not purchased or had processed 220,000 pounds of tantalum contained in  $\mathrm{Ta}_2\mathrm{O}_5$  or that amount of tantalum contained in Ta<sub>2</sub>O<sub>5</sub> equivalent in number to the amount of capacitor grade tantalum powder sold and delivered to Union Carbide hereunder, whichever is lower, such lower amount being hereinafter referred to as the "Basic Quantity", then, on or before December 31, 1971, Fansteel may commit itself to purchase or to have processed tantalum contained in Ta205 up to the Basic Quantity for future delivery extending beyond the term of this Agreement, with the purchase or processing price to be paid at the time of such delivery; provided, however, that in such event, Pansteel agrees to accept delivery of such Ta<sub>2</sub>O<sub>5</sub> before making other purchases of TaoO5 from any other source, and, in any event, not later than December 31, 1972.

Section 3. In the event that Fansteel has not purchased (or had processed), or committed itself to purchase (or have processed) the Basic Quantity of tantalum contained in  ${\rm Ta_2O_5}$  pursuant to the foregoing Section 2, then Union Carbide, at its option, shall have the right until June 30, 1972, to obtain additional capacitor grade tantalum powder from Fansteel up to an amount measured by the difference

between the Basic Quantity and Fansteel's purchases or processing (and purchase or processing commitments) of tantalum contained in Ta205 during the term of this Agreement, on a material exchange basis, with Union Carbide delivering to Fansteel a quantity of Thailand tantalumbearing tin slags (hereinafter called the "Thai slags") on an exchange ratio with the said Thai slags containing the following number of pounds of Ta205, dry weight, for each pound of tantalum powder of the following grades delivered to Union Carbide under this section:

Powder Grade	Pounds Ta <sub>2</sub> O <sub>5</sub> Contained
FD ·	6.15 pounds
FG	5.40 pounds
FG-18	6.00 pounds

The Thai slags delivered pursuant to this Agree-ment shall average, in the aggregate, not less than 12%  ${\rm Ta_2O_5}$  and 9%  ${\rm Cb_2O_5}$ , and no individual lot shall contain less than 11%  ${\rm Ta_2O_5}$  and 8%  ${\rm Cb_2O_5}$ .

## ARTICLE III

### SAMPLING AND ANALYSIS PROCEDURES

Section 1. Thai Slags. Sampling and analysis procedures with respect to Thai slags to be delivered to Fansteel hereunder shall be as follows:

(a) Weighing. The dry weight of each lot of the Thai slags delivered to it shall be determined by Fansteel in accordance with its customary procedures, and such dry weight shall be promptly reported to Union Carbide. The dry weight as determined by Fansteel shall be conclusive and binding upon both parties unless Union Carbide shall elect, within ten days following receipt of Fansteel's report, to have the dry' weight determined by Ledoux & Co., 359 Alfred Avenue, Teaneck, New Jersey. If Union Carbide so elects, the determination of dry weight shall be made by Ledoux & Co. and its determination shall be conclusive and binding upon the parties. The costs of such determination of dry weight by Ledoux & Co. shall be borne in equal shares by Fansteel and Union Carbide.

## (b) Sampling and Analysis.

(i) Upon receipt of each shipment, Fansteel shall sample the material (as one lot) in accordance with the procedure described in the attached Exhibit G, which is, by this reference thereto, made a part of this Agreement, and shall prepare a composite lot sample which it shall then

analyze for  ${\rm Ta_2O_5}$  content and  ${\rm Cb_2O_5}$  content. Such analysis, certified by an officer of Fansteel, shall be promptly delivered to Union Carbide.

(ii) If the analysis made by Union Carbide and the analysis made by Fansteel agree within 0.5% by weight in respect to the  ${\rm Ta_2O_5}$  content of the shipment, the  ${\rm Ta_2O_5}$  content of such shipment shall, for all purposes of this Agreement, be conclusively deemed to be the average of the  ${\rm Ta_2O_5}$  analyses made by the two parties. Similarly, if the analyses made by Union Carbide and Fansteel agree within 1.0% by weight in respect to the  ${\rm Cb_2O_5}$  content of the shipment, the  ${\rm Cb_2O_5}$  content of the shipment shall, for all purposes of this Agreement, be conclusively deemed to be the average of the  ${\rm Cb_2O_5}$  analyses made by the two parties.

If the analyses of Fansteel and Union Carbide as to either the Ta<sub>2</sub>O<sub>5</sub> content or the Cb<sub>2</sub>O<sub>5</sub> content shall not agree within the tolerances above expressed, the shipment shall be sampled by Ledoux & Co. in accordance with the procedures described in Exhibit G and the composite lot sample so taken shall be analyzed by Ledoux & Co. for the content as to which the parties are in disagreement. If the analysis made by Ledoux & Co. is intermediate to the analyses made by Fansteel and Union Carbide, the analysis by Ledoux & Co. shall be conclusive and binding on both parties; otherwise

the analysis of Fansteel or Union Carbide which is closest to the analysis of Ledoux & Co. shall be conclusive and binding on both parties. Costs of the sampling and analysis by Ledoux & Co. shall be borne in equal shares by Fansteel and Union Carbide.

- (c) Extractability. The final composite lot sample with respect to each lot of the Thai slags delivered to Fansteel by Union Carbide shall be tested by Fansteel for extractability of Ta<sub>2</sub>O<sub>5</sub> in accordance with the procedure described in the attached Exhibit H, which is, by this reference thereto, made a part of this Agreement. If it is determined by Fansteel that the Ta<sub>2</sub>O<sub>5</sub> content of any lot of Thai slags is less than 0.95 extractable, then Union Carbide shall deliver to Fansteel a supplemental quantity of Thai slags containing a quantity of Ta<sub>2</sub>O<sub>5</sub> equal to the number of pounds of Ta<sub>2</sub>O<sub>5</sub> contained in said lot, multiplied by the difference between 0.95 and the decimal fraction of Ta<sub>2</sub>O<sub>5</sub> which Fansteel has determined to be extractable from said lot.
- (d) <u>Containers.</u> Each lot of Thai slags shall be delivered to Fansteel in nonreturnable drums.
- Section 2. Natural Ores. Any ore to be delivered by Fansteel to Union Carbide for the purpose of extraction of Ta205 pursuant to the provisions of Section 1(b) of Article II hereof shall be weighed, sampled and analyzed

in accordance with the procedures provided by Paragraphs (a) and (b) of the foregoing Section 1 relating to Thai slags provided that the positions of Fansteel and Union Carbide shall be the reverse of those set forth in said Section 1. Each lot of natural ores shall be delivered by Fansteel to Union Carbide in nonreturnable drums.

Section 3. Ta205 and Cb205. Ta205 and Cb205 to be delivered by Union Carbide to Fansteel shall be accompanied by a certified chemical analysis showing that such material meets the specifications contained in Exhibits D and E, respectively. If Fansteel's analysis of such material shows that it does not meet such specifications, then Fansteel may reject the material, provided however, that in such event Union Carbide shall have the right to submit such material to Ledoux & Co. for re-analysis. The said re-analysis by Ledoux & Co. shall be final and binding upon both parties. If such material is determined by the Ledoux analysis to be out of specification, the cost of such analysis shall be borne by Union Carbide; if said analysis shows such material to be within specifications, the cost of such analysis shall be borne by Fansteel.

Section 4. Failure to Meet Specifications. If any material purchased or processed by Union Carbide or Fansteel

hereunder fails to meet the specifications provided for such material, such material shall be returned to the party selling or processing such material and shall be replaced by such party with material meeting all specifications within 90 days. All cost of transshipping such material shall be borne by the party having provided or processed the material.

### ARTICLE IV

## PAYMENT AND DELIVERY

Section 1. Payment. Each party to whom payments are due hereunder shall furnish the other party with invoices on a monthly basis, and such other party shall pay the invoicing party the total amount due under any such invoice within ten days after the end of the calendar month during which such invoice was rendered.

Section 2. Scheduling. Each party shall give the other party written notice of its requirements for any material hereunder as far in advance as practicable and shall advise the other party of its requirements for delivery during any calendar quarter not less than 60 days prior to the beginning of such calendar quarter. Notwithstanding the foregoing, if, by reason of circumstances beyond the control of either party, such party is unable to give such advance notice

of its requirements during a calendar quarter, the other party shall nonetheless use its best efforts to satisfy such requirements.

The time and place of delivery with respect to particular lots of material to be delivered or processed hereunder, as well as the amount of material to be included within such lot, shall be as agreed upon by the parties.

Section 3. Freight Charges and Risk of Loss. Freight and transportation charges pertaining to material shipped by either party to the other shall be borne by the shipping party and such material shall be delivered f.o.b. Muskogee, Oklahoma or North Chicago, Illinois for such material to be delivered to Fansteel or f.o.b. Marietta or Cleveland, Ohio or Greenville, South Carolina, if such material is to be delivered to Union Carbide. Title to and risk of loss for such materials shall remain at all times in the shipping party until delivery thereof except (a) in the case of natural ores delivered by Fansteel to Marietta for extraction of Ta205, in which case title to and risk of loss of such material shall remain at all times in Pansteel, provided that risk of loss for such materials shall be with Union Carbide during the time such materials are at its premises under its control, and (b) in the case of out-ofspecification Ta205 consigned to Fansteel pursuant to the

provisions of Article I, Section 3, risk of loss for such materials shall be with Fansteel during the time such materials are at its premises under its control.

## ARTICLE V GENERAL

Section 1. Interdependence of Provisions. All
of the undertakings, agreements and promises herein contained
to be performed by each of the parties are interdependent
with the undertakings, agreements and promises herein
contained to be performed by the other party. The performance
of its obligations by each of the parties is the consideration
for the performance of the obligations of the other party.

Section 2. Force Majeure. Neither party hereto shall be liable to the other for default or delay in the performance of any of its obligations hereunder when any such default or delay is caused by strike, riot, war, fire, act of God, governmental order or regulations, curtailment of or failure in obtaining sufficient electricity, steam or other type of power, or any other occurrence beyond the control of the respective parties hereto.

Section 3. Assignment. Any assignment of this Agreement or any rights hereunder by either party hereto without the written consent of the other shall be void.

This Agreement shall be binding upon and shall inure to the benefit of the legal successors of the respective parties hereto.

Section 4. Notice. It shall be a sufficient giving of any notice or other communication hereunder if the party giving the same shall deposit a copy thereof in the post office in a registered envelope postage prepaid or shall file a prepaid radiogram or telegram with a radio or telegraph company addressed to the other party at its address set forth below or at such other address as the other party shall have theretofore in writing designated. Payments to be made hereunder shall be transmitted to the address to which notices at that time shall be addressed as above provided and may be so transmitted in an envelope deposited or radio or telegram filed as above provided. All notices to Union Carbide shall be addressed to Dr. Milton Stern, Electronics Division, Union Carbide Corporation, 270 Park Avenue, New York, New York 10017, and all notices to Fansteel shall be addressed to Lawrence T. Lindgren, Fansteel Inc., 21515 Hawthorne Boulevard, Torrance, California 90503 or to such other address as either party may, in writing, specify. The date of giving any such notice or other communication, and the date of making

any such payment provided such payment is received shall be the date on which such envelope was deposited or such radio or telegram was filed. The post office receipt or the receipt supplied by the radio or telegraph company showing the date of such deposit or filing shall be prima facie evidence of these facts.

Section 5. Headings. The headings of the several ARTICLES of this Agreement and the captions of paragraphs of this Agreement have been inserted for convenience of reference only and shall in no way affect the interpretation of any of the items or provisions thereof.

Section 6. Entire Agreement. The entire agreement is contained herein and there are no promises, representations or warranties affecting it other than those expressly set forth herein.

Section 7. Applicable Law. This Agreement has been executed in conformance with and shall be interpreted in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

UNION CARBIDE CORPORATION

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itle	Vice President of its	***************************************
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#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

## CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Amalgamet, Inc.
Amalgamet-Finamines
Hamish Michie, CEO
222 Bloomingdale Road
Suite 101
White Plains, New York 10605

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

#### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Amalgamet, Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

#### **ENCLOSURE 1**

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

#### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

#### **ENCLOSURE 2**

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

### **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

#### **ENCLOSURE 3**

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

#### **ENCLOSURE 4**

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

#### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

## CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Shell Offshore Inc.
Billiton Trading Co. - Thailand Smelting
Richard H. Tallant, CEO
150 N. Dairy Ashford Road
Houston, Texas 77079

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

#### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Shell Offshore Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

#### **ENCLOSURE 1**

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:ple

#### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

#### **ENCLOSURE 2**

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Metallurg, Inc. GFE Conversion Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Metallurg, Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.234219200380.100.1.1=66001003655400
Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

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# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

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- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Osram Sylvania Inc. GTE - Sylvania Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Osram Sylvania Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
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Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
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- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

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- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Bayer Corporation Hermann C. Stark, Inc. Philip Blake, President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Bayer Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.234219200380.100.1.1=66001003655400
Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D. Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

Catherine Crow (Catherine crow@gsa.gov)
Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

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Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

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> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Kennametal Inc. Christopher Rossi, President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Re: <u>Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401</u>

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Kennametal Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.234219200380.100.1.1=66001003655400
Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
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If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

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> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

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> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Philips Holding USA Inc.
For Philips North America LLC
Mepco Electra
Vitor Rocha, CEO
222 Jacobs Street
3rd Floor
Cambridge, MassachusettsA 02141

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Philips Holding USA Inc. For Philips North America LLC (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Metallurg, Inc. Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

Re: <u>Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401</u>

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Metallurg, Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

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Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

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Sincerely yours'

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Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

## CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Everzinc USA Inc.
Sogem Corporation - Norore Division
Vincent Dujardin, CEO
3717 National Drive
Suite 105
Raleigh, North Carolina 27612

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Everzinc USA Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.234219200380.100.1.1=68001003655400
Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

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### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

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- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
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- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
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- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

## CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Union Carbide Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.234219200380.100.1.1=68001003655400
Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D. Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via emailto: via emailto: via emailto: via emailto: via emailto: via

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

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- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
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- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
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- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Valenite, LLC Valeron Metals Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

Re: <u>Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401</u>

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Valenite, LLC (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.234219200380.100.1.1=68001003655400
Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via emailto: via emailto: via emailto: via emailto: via emailto: via

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

Catherine Crow (Catherine crow@gsa.gov)
Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

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> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

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Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

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Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

## CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

The Corporation Trust Company For Shell Offshore Inc. Corporation Trust Center 1209 Orange Street Wilmington, DE 19801

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Shell Offshore Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Reduest the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and Please Provide a written response to Mr. Lance Nixon's Enforcement Officer's at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' Please have Your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.234219200380.100.1.1=68001003655400
Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:ple

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
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  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

## **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

Catherine Crow (Catherine crow@gsa.gov)
Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

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> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, DE 19808

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Cabot Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that require Your response to this Information Request the Information Request Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:ple

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

## **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

The Corporation Trust Company For Metallurg, Inc. Corporation Trust Center 1209 Orange Street Wilmington, DE 19801

Re: <u>Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401</u>

#### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Metallurg, Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
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Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D. Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

## **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

Catherine Crow (Catherine crow@gsa.gov)
Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Building Suite 104 Wilmington, DE 19810

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

#### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Osram Sylvania Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

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## **BACKGROUND INFORMATION**

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- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

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- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Corporation Service Company For Bayer Corporation 135 N. Pennsylvania Street, Suite 1610 Indianapolis, IN 46204

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Bayer Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' Please have Your legal counsel contact Ms. Elizabeth Pletan' at If You have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
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Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

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- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
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- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Corporate Service Company For Philips Holding USA Inc. 251 Little Fall Drive Wilmington, DE 19808

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Philips Holding USA Inc. For Philips North America LLC (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D. Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:ple

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

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> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

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Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Everzinc USA Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

### **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

Catherine Crow (Catherine crow@gsa.gov)
Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

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Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

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> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

## CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

C T Corporation System For Union Carbide Corporation 28 Liberty Street New York, NY 10005

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Union Carbide Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.234219200380.100.1.1=68001003655400
Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D. Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

## CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, DE 19808

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Valenite, LLC (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
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Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808

#### Message

From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 2/3/2021 4:29:51 PM

**To**: Catherine Crow - LR [catherine.crow@gsa.gov]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Katharine Healy - LR [katharine.healy@gsa.gov]; Clarke, Angienell

[Clarke.Angienell@epa.gov]

Subject: RE: Fansteel Metals 104(e) Information Request

#### Catherine,

Thank you for letting us know. We will make note of the change and send future correspondence to Kate Healy.

From: Catherine Crow - LR <catherine.crow@gsa.gov>

**Sent:** Monday, February 1, 2021 4:26 PM **To:** Nixon, Lance <Nixon.Lance@epa.gov>

Cc: Pletan, Elizabeth <Pletan. Elizabeth@epa.gov>; Katharine Healy - LR <katharine.healy@gsa.gov>

Subject: Re: Fansteel Metals 104(e) Information Request

#### Lance,

Kris Durmer is no longer with GSA. Our current General Counsel is Nitin Shah. You may send future correspondence regarding this matter and similar requests to Kate Healy at <a href="mailto:katharine.healy@gsa.gov">katharine.healy@gsa.gov</a>. She is also copied on this email.

Sincerely,

Catherine Crow Acting Associate General Counsel Real Property Division (LR), GSA Office of General Counsel (202) 501-4536

The information contained in this e-mail message is intended only for the addressee(s) and may be protected by the attorney-client privilege and/or work product doctrine. Please do not forward or further disseminate this message without the consent of the sender.

On Mon, Feb 1, 2021 at 3:09 PM Nixon, Lance < Nixon.Lance@epa.gov> wrote:

Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mailto:nixon.lance@epa.gov">nixon.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or Pletan.elizabeth@epa.gov.

Thank You.

## Lance Nixon

**Enforcement Officer** 

U.S. Environmental Protection Agency

Superfund and Emergency Management Division

Assessment and Enforcement Branch

214-665-2203

#### Message

From: Nixon, Lance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28DC2981F6CE42E9AD8CA82FD6D609AE-NIXON, LANCE]

**Sent**: 2/3/2021 4:25:49 PM

**To**: Gerry Caron [gerry.caron@cabotcorp.com]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

**Subject**: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Attachments: Cabot Document 1988.pdf

Hi Gerry,

Thank you for your response. Yes, I agree that email would be the best way to correspond. I do check my voicemail frequently, but email is best.

I've attached a document that we have in our files indicating a nexus between Cabot Corp. and the Fansteel Metals site. I hope you find the document helpful.

Please let me know if you need anything else or have additional questions.

**Thanks** 

-Lance Nixon

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Tuesday, February 2, 2021 3:15 PM **To:** Nixon, Lance < Nixon. Lance@epa.gov>

Subject: FW: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. I left you a voicemail a few minutes ago introducing myself on behalf of Cabot Corp. I realize with Covid and so many folks working remotely that email may be a better choice than voicemail!

Could you please email to me any documents that EPA has in its file indicating a nexus between Cabot Corp. and the Fansteel Metals site? This will help us conduct an internal review and inquiry regarding the site and any potential connections with Cabot Corp.

Please let me know if you have any questions. Also, if you would like to call me, by cell number is 617-515-4529.

Thanks,

Gerry Caron

From: Nixon, Lance < Nixon.Lance@epa.gov > Sent: Monday, February 1, 2021 3:23 PM
To: Karen Kalita < Karen.Kalita@cabotcorp.com > Cc: Pletan, Elizabeth@epa.gov >

Subject: [EXTERNAL] Fansteel Metals 104(e) Information Request

Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information

Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mailto:nixon.lance@epa.gov">nixon.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or <a href="mailto:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:please-tile:plea

Thank You.

## Lance Nixon

Enforcement Officer
U.S. Environmental Protection Agency
Superfund and Emergency Management Division
Assessment and Enforcement Branch
214-665-2203

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## CABOT

X

February 3, 1988

Donna Gilstrap Fansteel Metals Number Ten Tantalum Place Muskogee, OK 74401

Re: Tantalum/Tin Slag Ore "Swap"

Dear Donna:

Enclosed please find Summary of Tin Slag Shipped, their gross weights, analysis and copies of scale tickets.

The last load (load #12) departed our plant on February 2, 1988.

If you have any questions, please call.

Sincerely,

William L. Sheubrooks Shipping Supervisor

WS/11

xc: W. Rasmussen

Cabot Corporation
County Line Road

Boyertown, Pennsylvania 19512

Phone: 215 367-2181

## CAPOT

## Summary of Thais Tin Slag:

	Cabot	Marks	Drums	Net Wet 1bs	Moisture	Net Dry 1bs	Ta2o5 1bs	СЬ205 %
252/	2429	592	120	117,743.24	35.32 1bs .03%	117,707.92	17,197.13 14.61%	11.91%
2255	2444	588	120	111,957.22	33.59	111,923.63	17,392.93 15.54%	12.15%
ব্যক্ত	2515	654	120	110,929.86	33.28 .03%	110,896.58	17,133.52 15.45%	11.73%
2524	2520	661	120	110,784.35	33.24 .03%	110,751.11	16,740.03 15.115%	11.12%

## Summary of Gross Weights Shipped to Fansteel:

Load #	Cabot Lot	<u>Marks</u>	No. Drums	Gross 1bs	Remarks
1 2 3	2429	592 "	40 40 40	43,620 43,300 <u>43,340</u>	
		Total Lot 2429	9	130,260	
4 5 · 6	2444	588	40 40 40	40,820 42,135 42,880	Cabot Scale
		Total Lot 2444	4	125,835	
7 8 9	2515	654	40 40 40	40,400 40,872 40,260	Cabot Scale
		Total Lot 2515	5	121,532	
10 11 12	2520	661	40 40 40	41,560 40,214 41,340	Cabot Scale
		Total Lot 2520	)	123,114	

Note: Cabot Scale indicates that each pallet of ore was weigh-out using our dock scale.

## CABOT

Summary of Analysis: (Percent unless indicated otherwise)

Elements	,	Lot 2429	<u>Lot 2444</u>	Lot 2515	Lot 2520
Ta205		14.61	15.54	15.45	15.115
Cb205		11.91	12.15	11.73	11.12
A1		1-10	1-10	1-10	1-10
Ba 		.051	.15	.15	.0105
В.			.0105		.0105
Ca		0	1-10	1-10	1-10
Cr		.15	.15	.15	.15
Hf	)	.15	.15	.15	.15
Fe		1-10	1-10	1-10	1-10
Mg		.5-1.0	.15	.15	.051
Mn		1-10	1-10	1-10	1-10
Si		1-10		1-10	1-10
Na		.15	.15	.5-1.0	.15
Th		.15	.15	.15	.15
Sn		1-10	.5-1.0	.15	.5-1.0
Ti		1-10	1-10	1-10	1-10
W		.15	.15	.15	.15
Ü		.051	.15	.15	.15
Ÿ		.15	.15	.15	.15
Zn		1-10		1-10	1-10
P			.16	.41	
r		.39	.10	• 41	.54
. <b>S</b>		450 ppm	590 ppm	540 ppm	510 ppm
C		785 ppm	- 1.	450 ppm	.13%

#### Message

From: Steger, Mark J. [msteger@clarkhill.com]

**Sent**: 3/22/2021 3:29:23 PM

To: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

CC: Sniadanko, Jeffrey M. [jsniadanko@clarkhill.com]; Nixon, Lance [Nixon.Lance@epa.gov]; Clarke, Angienell

[Clarke.Angienell@epa.gov]; Gladstein, Richard (ENRD) [Richard.Gladstein@usdoj.gov]

Subject: RE: Fansteel Site- Access to Responses to EPA January 2021 Request for Information

Done-thanks

### Mark J. Steger

CLARK HILL PLC

130 East Randolph Street, Suite 3900 | Chicago, IL 60601 312.985.5916 (Direct) | 312.985.5964 (Fax) | 847.274.1303 (Cell) MSteger@ClarkHill.com | www.clarkhill.com

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Sent: Monday, March 22, 2021 10:03 AM
To: Steger, Mark J. <msteger@clarkhill.com>

Cc: Sniadanko, Jeffrey M. <jsniadanko@clarkhill.com>; Nixon, Lance <Nixon.Lance@epa.gov>; Clarke, Angienell

<Clarke.Angienell@epa.gov>; Gladstein, Richard (ENRD) <Richard.Gladstein@usdoj.gov>
Subject: RE: Fansteel Site- Access to Responses to EPA January 2021 Request for Information

#### [External Message]

Hello Mark!

Thanks again for your call last week—I have confirmed that Fansteel will need to submit this request through our FOIA Online system. The submittal form is available at this link: <a href="https://foiaonline.gov/foiaonline/action/public/request">https://foiaonline.gov/foiaonline/action/public/request</a>

Thanks and let me know if you have any questions!

Sincerely, Elizabeth

From: Steger, Mark J. <msteger@clarkhill.com>

Sent: Friday, March 19, 2021 11:13 AM

**To:** Pletan, Elizabeth < <u>Pletan.Elizabeth@epa.gov</u>> **Cc:** Sniadanko, Jeffrey M. < <u>isniadanko@clarkhill.com</u>>

Subject: Fansteel Site- Access to Responses to EPA January 2021 Request for Information

Importance: High

Elizabeth- This email summarizes what we discussed with respect to our client needing access to information being received by EPA in response to its January 2021 Request for Information.

First-We would like to obtain the contact information from any party that has contacted EPA in response to the Request for Information. We would like this information so that when we file the complaint we can reach out to these individuals to identify to whom we need to seek a waiver of service. Also, if we have identified the wrong party, we can explore with the individual as to the identity of the responsible party.

Second, we would like copies of all the responses that EPA has received. WE also request copies of EPA's responses to any requests for information. As you know, we are tracking the information for which EPA has requested waiver of our CBI claim so that the documents can be provided to the requesting party.

This information is being requested to that we can expedite the litigation effort and begin the process of attempting to reach a settlement with the defendant thereby avoiding incurring significant legal fees. We understand EPA's statutory obligation to respond to the public's request for information. However, because it appears that we have the most comprehensive set of documents related to the Site, we would assist EPA in getting responsive information out to the public while at the same time assisting in the furtherance of resolving a PRP's response const liability at the Site.

If EPA cannot provide this information unless we submit a FOIA request for such information, please consider this email such a FOIA request. IF you need additional information, please contact me.

Mark

### Mark J. Steger

CLARK HILL PLC

130 East Randolph Street, Suite 3900 | Chicago, IL 60601 312.985.5916 (Direct) | 312.985.5964 (Fax) | 847.274.1303 (Cell) MSteger@ClarkHill.com | www.clarkhill.com

#### Message

From: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

**Sent**: 3/22/2021 3:02:40 PM

**To**: Steger, Mark J. [msteger@clarkhill.com]

CC: Sniadanko, Jeffrey M. [jsniadanko@clarkhill.com]; Nixon, Lance [Nixon.Lance@epa.gov]; Clarke, Angienell

[Clarke.Angienell@epa.gov]; Gladstein, Richard (ENRD) [Richard.Gladstein@usdoj.gov]

Subject: RE: Fansteel Site- Access to Responses to EPA January 2021 Request for Information

#### Hello Mark!

Thanks again for your call last week—I have confirmed that Fansteel will need to submit this request through our FOIA Online system. The submittal form is available at this link: https://foiaonline.gov/foiaonline/action/public/request

Thanks and let me know if you have any questions!

Sincerely, Elizabeth

From: Steger, Mark J. <msteger@clarkhill.com>

Sent: Friday, March 19, 2021 11:13 AM

**To:** Pletan, Elizabeth <Pletan.Elizabeth@epa.gov> **Cc:** Sniadanko, Jeffrey M. <jsniadanko@clarkhill.com>

Subject: Fansteel Site- Access to Responses to EPA January 2021 Request for Information

Importance: High

Elizabeth- This email summarizes what we discussed with respect to our client needing access to information being received by EPA in response to its January 2021 Request for Information.

First-We would like to obtain the contact information from any party that has contacted EPA in response to the Request for Information. We would like this information so that when we file the complaint we can reach out to these individuals to identify to whom we need to seek a waiver of service. Also, if we have identified the wrong party, we can explore with the individual as to the identity of the responsible party.

Second, we would like copies of all the responses that EPA has received. WE also request copies of EPA's responses to any requests for information. As you know, we are tracking the information for which EPA has requested waiver of our CBI claim so that the documents can be provided to the requesting party.

This information is being requested to that we can expedite the litigation effort and begin the process of attempting to reach a settlement with the defendant thereby avoiding incurring significant legal fees. We understand EPA's statutory obligation to respond to the public's request for information. However, because it appears that we have the most comprehensive set of documents related to the Site, we would assist EPA in getting responsive information out to the public while at the same time assisting in the furtherance of resolving a PRP's response const liability at the Site.

If EPA cannot provide this information unless we submit a FOIA request for such information, please consider this email such a FOIA request. IF you need additional information, please contact me.

Mark

### Mark J. Steger

CLARK HILL PLC

130 East Randolph Street, Suite 3900 | Chicago, IL 60601

#### Message

From: Aselda.Thompson@shell.com [Aselda.Thompson@shell.com]

**Sent**: 3/1/2021 8:39:55 PM

To: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

CC: Nixon, Lance [Nixon.Lance@epa.gov]

Subject: RE: Fansteel 104(e) information request

Thanks very much, Liz – that's helpful and I've passed along to the people doing the investigating for us. In the meantime, I'd like to formally request an extension of time to respond. We received the letter into our Houston mailroom on February  $9^{th}$ , so 30 days would put us at March  $11^{th}$ . While it's possible that we will have completed our search, I would like to request an additional 30 days to ensure we have the time to conduct a thorough search. Would EPA be able to approve an extension until April  $10^{th}$ ?

Many thanks,

Aselda

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Sent: Monday, March 1, 2021 12:30 PM

To: Thompson, Aselda J SHLOIL-LSPT/EE <Aselda.Thompson@shell.com>

Cc: Nixon, Lance < Nixon. Lance@epa.gov>

**Subject:** RE: Fansteel 104(e) information request

#### Think Secure. This email is from an external source.

Hi Aselda! Well it was definitely warmer this weekend thank goodness! I hope you had a good weekend too.

Please see attached two records we have that mention the entity referred to as "Billiton." We received these records in a response to a 104(e) request from the facility owner/operator, Fansteel Inc. Fansteel identified this entity as Billiton Trading Company, Inc. As I mentioned in my voicemail last week, our contractors did some preliminary corporate research and indicated that Billiton Trading Company, Inc. at some point merged with Shell Offshore Inc. In an effort to keep costs down, we did not request the analysis behind this preliminary determination. I'll talk to my clients to see if we can obtain the analysis to give you a better idea of the connection between Billiton and Shell. In the meantime, please let me know if these attached records help with Shell's research.

Sincerely, Elizabeth

From: Aselda.Thompson@shell.com <Aselda.Thompson@shell.com>

Sent: Monday, March 01, 2021 11:48 AM

**To:** Pletan, Elizabeth < <u>Pletan.Elizabeth@epa.gov</u>> **Subject:** RE: Fansteel 104(e) information request

Hi Liz,

Hope you had a great weekend!

I'm working with my client groups to track down any information we may have to any of these entities and I'm hoping you might be able to provide what EPA believes to be the nexus or connection to Shell? That will help us direct our search.

Many thanks!

#### Aselda

From: Thompson, Aselda J SHLOIL-LSPT/EE
Sent: Wednesday, February 17, 2021 2:20 PM
To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>
Subject: RE: Fansteel 104(e) information request

Thanks for the response Liz – these are crazy times for Texas! It would be helpful to have an extension of time, and I'd also like to ask if you're able to provide any information or documents that demonstrate the nexus or connection of Shell to the site – this will definitely help us to search our records more efficiently.

Glad you hear you're all doing ok! We're in the same boat – glad to have power and water, at least for now.

Take care and we can talk when things calm down.

#### Aselda

From: Pletan, Elizabeth < <u>Pletan.Elizabeth@epa.gov</u>>
Sent: Wednesday, February 17, 2021 12:07 PM

To: Thompson, Aselda J SHLOIL-LSPT/EE < Aselda. Thompson@shell.com >

Subject: Fansteel 104(e) information request

#### Think Secure. This email is from an external source.

Hello Aselda, apologies for not having gotten back to you yet! I hope you and your family are still doing well. I'm very grateful to still have power and everything at my house, but the weather is causing all sorts of issues and it may be next week before I'm able to chat. You are probably very familiar with the 104(e) process, but we are usually very liberal when granting extensions of time to respond if that ends up being necessary due to these circumstances!

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, re-transmit, disseminate or otherwise use the information. Thank you.

#### Message

From: Gerry Caron [gerry.caron@cabotcorp.com]

**Sent**: 2/2/2021 9:14:38 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

**Subject**: FW: Fansteel Metals 104(e) Information Request/Cabot Corp.

Attachments: Fansteel Cabot Corporation 104e for email.pdf

Hi Lance. I left you a voicemail a few minutes ago introducing myself on behalf of Cabot Corp. I realize with Covid and so many folks working remotely that email may be a better choice than voicemail!

Could you please email to me any documents that EPA has in its file indicating a nexus between Cabot Corp. and the Fansteel Metals site? This will help us conduct an internal review and inquiry regarding the site and any potential connections with Cabot Corp.

Please let me know if you have any questions. Also, if you would like to call me, by cell number is 617-515-4529.

Thanks,

**Gerry Caron** 

From: Nixon, Lance < Nixon.Lance@epa.gov>
Sent: Monday, February 1, 2021 3:23 PM
To: Karen Kalita < Karen.Kalita@cabotcorp.com>
Cc: Pletan, Elizabeth < Pletan.Elizabeth@epa.gov>

Subject: [EXTERNAL] Fansteel Metals 104(e) Information Request

Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mailto:nixon.lance@epa.gov">nixon.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or Pletan.elizabeth@epa.gov.

Thank You.

#### Lance Nixon

Enforcement Officer
U.S. Environmental Protection Agency
Superfund and Emergency Management Division
Assessment and Enforcement Branch
214-665-2203

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## FANSTEEL 104(e) MAILING TRACKING SHEET January/February 2021

PRP	DATED	MAILED	CERTIFIED #	RESPONSE	RESPONDEE	RETURNED	COMMENTS
PRP	DATED	MAILED	CERTIFIED#	RECVD	RESPUNDEE	UNDELIVERABLE	COMMENTS
Amalgamet, Inc.							
Amalgamet-Finamines Hamish Michie							
CEO							
222 Bloomingdale Road							
Suite 101							
White Plains, NY 10605							
Shell Offshore Inc.							
Billiton Trading Co Thailand Smelting							
Richard H. Tallant							
CEO							
150 N. Dairy Ashford Road							
Houston, TX 77079							
G1 + G							
Cabot Corporation Cabot Corporation							
Sean D. Keohane							
President and CEO							
Two Seaport Lane Suite 1300							
Boston, MA 02210							
Boston, WITT 02210							
Osram Sylvania Inc.							
GTE - Sylvania							
Michael Flieger							
CEO 200 Ballardvale Street							
Wilmington, MA 01887							
<i>J</i> ,							
	<u> </u>	<u> </u>		<u> </u>			

Bayer Corporation Hermann C. Stark, Inc. Philip Blake President and CEO 100 Bayer Boulevard Whippany, NJ 07981				
Kennametal Inc. Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, PA 15219				
Philips Holding USA Inc. For Philips North America LLC Mepco Electra Vitor Rocha CEO 222 Jacobs Street 3rd Floor Cambridge, MA 02141				
Metallurg, Inc. Metallurg, Inc. Heinz Schimmelbusch CEO 435 Devon Park Drive Building 200 Wayne, PA 19087				

Everzinc USA Inc. Sogem Corporation - Norore Division Vincent Dujardin CEO 3717 National Drive Suite 105 Raleigh, NC 27612				
Union Carbide Corporation Union Carbide Corporation Richard A. Wells CEO 7501 State Highway 185 North North Seadrift, TX 77983				
Valenite, LLC Valeron Metals Richard Askin Manager 1702 Nevins Road Fair Lawn, NJ 07410				

#### Message

From: Catherine Crow - LR [catherine.crow@gsa.gov]

**Sent**: 2/1/2021 10:26:14 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Katharine Healy - LR [katharine.healy@gsa.gov]

**Subject**: Re: Fansteel Metals 104(e) Information Request

Lance,

Kris Durmer is no longer with GSA. Our current General Counsel is Nitin Shah. You may send future correspondence regarding this matter and similar requests to Kate Healy at <a href="katharine.healy@gsa.gov">katharine.healy@gsa.gov</a>. She is also copied on this email.

Sincerely,

Catherine Crow Acting Associate General Counsel Real Property Division (LR), GSA Office of General Counsel (202) 501-4536

The information contained in this e-mail message is intended only for the addressee(s) and may be protected by the attorney-client privilege and/or work product doctrine. Please do not forward or further disseminate this message without the consent of the sender.

On Mon, Feb 1, 2021 at 3:09 PM Nixon, Lance < Nixon. Lance@epa.gov > wrote:

Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mailto:nixon.lance@epa.gov">nixon.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or Pletan.elizabeth@epa.gov.

Thank You.

Lance Nixon

Enforcement Officer

U.S. Environmental Protection Agency

Superfund and Emergency Management Division

Assessment and Enforcement Branch

214-665-2203

#### Message

From: Nixon, Lance [Nixon.Lance@epa.gov]

Sent: 2/1/2021 8:22:47 PM
To: karen.kalita@cabotcorp.com

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]
Subject: Fansteel Metals 104(e) Information Request

Attachments: Fansteel Cabot Corporation 104e for email.pdf; ATPFile\_CE6EEE48-3663-4393-AEBB-9A55F7C1723F.token

#### Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mailto:nixon.lance@epa.gov">nixon.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or <a href="mailto:please-to-please-gov">pletan.elizabeth@epa.gov</a>.

Thank You.

### Lance Nixon

Enforcement Officer
U.S. Environmental Protection Agency
Superfund and Emergency Management Division
Assessment and Enforcement Branch
214-665-2203

#### Message

From: Kradin, Ben [Ben.Kradin@osram.com]

Sent: 3/17/2021 11:59:44 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: Re: 104(e) Request for Information re: Fansteel Metals Facility by OSRAM SYLVANIA INC.

Thank you!

Ben Kradin Corporate Counsel LC AME

From: Nixon, Lance <Nixon.Lance@epa.gov>
Sent: Wednesday, March 17, 2021 12:00:52 PM
To: Kradin, Ben <Ben.Kradin@osram.com>

**Cc:** Pletan, Elizabeth <Pletan.Elizabeth@epa.gov>; Clarke, Angienell <Clarke.Angienell@epa.gov> **Subject:** RE: 104(e) Request for Information re: Fansteel Metals Facility by OSRAM SYLVANIA INC.

Mr. Kradin,

Your request for a 60 day extension to respond to the 104(e) Request for information for the Fansteel Metals Facility has been approved. Please provide a partial response by April 12, 2021. The final response is now due May 12, 2021. Your cooperation is greatly appreciated.

Thanks -Lance

From: Kradin, Ben <Ben.Kradin@osram.com>

**Sent:** Friday, March 12, 2021 5:09 PM **To:** Nixon, Lance <Nixon.Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: 104(e) Request for Information re: Fansteel Metals Facility by OSRAM SYLVANIA INC.

Dear Ms. Pletan and Mr. Nixon,

OSRAM SYLVANIA is respectfully requesting a 60-day extension for the 104(e) request for information due today. As I mentioned over voicemail, I am currently out on parental leave and this extension would provide sufficient time for OSRAM SYLVANIA to conduct a meaningful search. Thank you for your consideration and please feel free to reach out with questions.

Meanwhile, have a great weekend.

Cheers,

Ben Kradin CIPP/US, CIPM, FIP Corporate Counsel Compliance Officer, USC

OSRAM SYLVANIA INC. GC AMERICAS 200 Ballardvale Street Wilmington, MA 01887 Tel.: (978) 570-3077 Cell: (978) 809-6610 ben.kradin@osram.com

www.osram.us

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#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

The Corporation Trust Company For Shell Offshore Inc. Corporation Trust Center 1209 Orange Street Wilmington, DE 19801

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

#### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Shell Offshore Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via emailto: via emailto: via emailto: via emailto: via emailto: via

#### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

#### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, DE 19808

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

#### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Cabot Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via emailto: via emailto: via emailto: via emailto: via emailto: via

#### **BACKGROUND INFORMATION**

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# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

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- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

### **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

#### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

## CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

The Corporation Trust Company For Metallurg, Inc. Corporation Trust Center 1209 Orange Street Wilmington, DE 19801

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

#### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Metallurg, Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via emailto: via emailto: via emailto: via emailto: via emailto: via

#### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
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- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

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- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

## **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Building Suite 104 Wilmington, DE 19810

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Osram Sylvania Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.234219200380.100.1.1=66001003655400
Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

## **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

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Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

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Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Corporation Service Company For Bayer Corporation 135 N. Pennsylvania Street, Suite 1610 Indianapolis, IN 46204

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Bayer Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and Please Provide a written response to Mr. Lance Nixon's Enforcement Officer's at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.234219200380.100.1.1=66001003655400
Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:ple

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

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  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
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If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

## **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

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> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Corporate Service Company For Philips Holding USA Inc. 251 Little Fall Drive Wilmington, DE 19808

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Philips Holding USA Inc. For Philips North America LLC (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.234219200380.100.1.1=66001003655400
Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

#### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

The Corporation Trust Company For Metallurg, Inc. Corporation Trust Center 1209 Orange Street Wilmington, DE 19801

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Metallurg, Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
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Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

#### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Everzinc USA Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

### **BACKGROUND INFORMATION**

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- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
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### **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

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- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

#### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

C T Corporation System For Union Carbide Corporation 28 Liberty Street New York, NY 10005

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Union Carbide Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
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Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **INSTRUCTIONS and DEFINITIONS**

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- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
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- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

Catherine Crow (Catherine crow@gsa.gov)
Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, DE 19808

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Valenite, LLC (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D. Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:ple

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
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- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

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Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

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Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Amalgamet, Inc.
Amalgamet-Finamines
Hamish Michie, CEO
222 Bloomingdale Road
Suite 101
White Plains, New York 10605

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

#### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Amalgamet, Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D. Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:ple

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
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  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
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If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# PARTIES RECEIVING THIS LETTER

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> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

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> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

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> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Shell Offshore Inc.
Billiton Trading Co. - Thailand Smelting
Richard H. Tallant, CEO
150 N. Dairy Ashford Road
Houston, Texas 77079

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Shell Offshore Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED VIA ELECTRONIC MAIL

Cabot Corporation
Sean D. Keohane, President and CEO
Two Seaport Lane, Suite 1300
Boston, Massachusetts 02210
karen.kalita@cabotcorp.com

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Cabot Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
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Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D. Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:ple

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
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## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

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- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

Catherine Crow (Catherine crow@gsa.gov)
Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

## CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED VIA ELECTRONIC MAIL

General Services Administration Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405 Catherine.crow@gsa.gov)

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that General Services Administration (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.234219200380.100.1.1=66001003655400
Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <u>pletan.elizabeth@epa.gov</u>.

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

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radionuclides.		

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## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

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- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

Catherine Crow (Catherine crow@gsa.gov)
Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

## CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Metallurg, Inc. GFE Conversion Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Metallurg, Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and Please Provide a written response to Mr. Lance Nixon's Enforcement Officer's at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.234219200380.100.1.1=66001003655400
Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D. Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

## CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Osram Sylvania Inc. GTE - Sylvania Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Osram Sylvania Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.234219200380.100.1.1=66001003655400
Date: 2021.01.2215:27:43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D. Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
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- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Bayer Corporation Hermann C. Stark, Inc. Philip Blake, President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Bayer Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that require Your response to this Information Request the Information Request Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' Please have Your legal counsel contact Ms. Elizabeth Pletan' at If You have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

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Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Kennametal Inc. Christopher Rossi, President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Re: <u>Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401</u>

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Kennametal Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D. Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Philips Holding USA Inc.
For Philips North America LLC
Mepco Electra
Vitor Rocha, CEO
222 Jacobs Street
3rd Floor
Cambridge, MassachusettsA 02141

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Philips Holding USA Inc. For Philips North America LLC (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
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Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:ple

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Metallurg, Inc. Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

Re: <u>Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401</u>

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Metallurg, Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that require Your response to this Information Request the Information Request Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' Please have Your legal counsel contact Ms. Elizabeth Pletan' at If You have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D. Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">please contact</a> Mrs. Elizabeth Pletan elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via email at <a href="mailto:please">please contact</a> Mrs. Elizabeth Please or via emailto: via emailto: via emailto: via emailto: via emailto: via

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

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# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

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- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Everzinc USA Inc.
Sogem Corporation - Norore Division
Vincent Dujardin, CEO
3717 National Drive
Suite 105
Raleigh, North Carolina 27612

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Everzinc USA Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
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- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

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- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Union Carbide Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:please:ple

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction:
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

## **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

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Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

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Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

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Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Valenite, LLC Valeron Metals Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

Re: <u>Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401</u>

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Valenite, LLC (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
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If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

## **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

Catherine Crow (Catherine crow@gsa.gov)
Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

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## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Amalgamet, Inc. FKA Amalgamet-Finamines Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Amalgamet, Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, c=US. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER.
0.9.2342.19.200300.100.1.1=68001003655400
Date: 2021.01.22 15:27:43-06/00

Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

## **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808

#### Message

From: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

**Sent**: 3/16/2021 9:36:06 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Thank you Lance!

From: Nixon, Lance <Nixon.Lance@epa.gov> Sent: Tuesday, March 16, 2021 4:12 PM To: John Hunt <jhunt@amg-nv.com>

Cc: Pletan, Elizabeth <Pletan. Elizabeth@epa.gov>; Clarke, Angienell <Clarke. Angienell@epa.gov>

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

John,

Please see the attached documents for your review. Please let us know if you need anything else or would like to see more documents. Thank you for your cooperation.

-Lance

From: John Hunt <<u>jhunt@amg-nv.com</u>>
Sent: Friday, March 12, 2021 3:46 PM
To: Nixon, Lance <Nixon, Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: Re: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

Lance,

Thanks for the update.

Thanks John

From: Nixon, Lance < Nixon.Lance@epa.gov > Sent: Friday, March 12, 2021 4:44:53 PM
To: John Hunt < jhunt@amg-nv.com >

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

Hello John,

I apologize about the delay. There was a mix-up on my part. I have the nexus documents ready, however, I have to wait until I get approval to release them to you. Once I get the approval I will send them to you immediately. Again, I'm sorry about the delay.

Thanks

-Lance

From: John Hunt < <a href="mailto:jhunt@amg-nv.com">jhunt@amg-nv.com</a> Sent: Friday, March 12, 2021 7:39 AM

To: Nixon, Lance < Nixon. Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

Lance,

Have you had an opportunity to access the Nexus documents?

Thanks John

From: Nixon, Lance < Nixon.Lance@epa.gov > Sent: Wednesday, March 3, 2021 4:27 PM
To: John Hunt < jhunt@amg-nv.com >

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

We look forward to hearing from you April 9, 2021. I will try to get some nexus documents to you sometime next week. Your cooperation is greatly appreciated.

-Lance

From: John Hunt <<u>ihunt@amg-nv.com</u>>
Sent: Wednesday, March 3, 2021 1:08 PM
To: Nixon, Lance <<u>Nixon, Lance@epa.gov</u>>

Subject: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Mr. Nixon,

I received your CERCLA 104(e) Information Requests dated January 22, 2021 that were sent to the attention of Dr. Heinz Schimmelbusch at Metallurg, Inc located at 435 Devon Park Dr, Building 200, Wayne, PA 19087. Unfortunately our office has been closed with limited access due to COVID-19 restriction. Please find attached a letter documenting that we are in receipt of the CERCLA 104(e) Information Requests and that we are preparing to respond by April 9, 2021.

I apologize for the delay in our response. If you have any questions or comments you can reach me via email or on my mobile # (617) 957-5961.

Regards, John

## Disclaimer

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#### Message

From: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

**Sent**: 3/1/2021 7:43:38 PM

To: Reed, Weslynn (WP) [WPReed@dow.com]

CC: Nixon, Lance [Nixon.Lance@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: RE: 104(e) Fansteel Metals Facility

Attachments: UnionCarbide1969.pdf

Hello Wes,

Please find attached a document showing a contractual relationship between Union Carbide and Fansteel.

Thank you, Elizabeth

From: Reed, Weslynn (WP) <WPReed@dow.com> Sent: Wednesday, February 24, 2021 5:56 PM To: Pletan, Elizabeth <Pletan.Elizabeth@epa.gov>

Cc: Nixon, Lance <Nixon.Lance@epa.gov>; Clarke, Angienell <Clarke.Angienell@epa.gov>

Subject: RE: 104(e) Fansteel Metals Facility

Thank you, Elizabeth. I appreciate the extension and look forward to reviewing the records.

Best regards,

Wes

#### Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company

2211 H.H. Dow Way, Midland, MI 48674

Office: 989,496,1167 Cell: 989,423,5564 Email: <u>wpreed@dow.com</u>

From: Pletan, Elizabeth <<u>Pletan.Elizabeth@epa.gov</u>>
Sent: Wednesday, February 24, 2021 4:34 PM
To: Reed, Weslynn (WP) <WPReed@dow.com>

Cc: Nixon, Lance <Nixon.Lance@epa.gov>; Clarke, Angienell <Clarke.Angienell@epa.gov>

Subject: RE: 104(e) Fansteel Metals Facility

Hello Weslylnn,

Thank you again for your patience! This email serves as an extension of time for Union Carbide/Dow to reply to EPA's 104(e) information request. Based on the date you received the request, February 12, 2021, the new due date is April 13, 2021. We will also provide you with a written extension signed by my client.

We are still working on preparing some records to send to you; I'm hoping to provide them by the end of this week. The records show a "conversion" contract relationship between Union Carbide and Fansteel in the late 60's/early 70's pursuant to which Union Carbide provided raw material (tin slag) to Fansteel and Fansteel returned tantalum to Union Carbide.

Sincerely,

From: Reed, Weslynn (WP) < WPReed@dow.com >

Sent: Friday, February 19, 2021 9:18 AM

**To:** Pletan, Elizabeth < <u>Pletan.Elizabeth@epa.gov</u>> **Subject:** RE: 104(e) Fansteel Metals Facility

Thank you, Elizabeth. There is no rush on our end. Stay safe and warm!

Wes

#### Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company

2211 H.H. Dow Way, Midland, MI 48674

Office: 989,496,1167 Cell: 989,423,5564 Email: wpreed@dow.com

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

**Sent:** Thursday, February 18, 2021 4:07 PM **To:** Reed, Weslynn (WP) < <u>WPReed@dow.com</u>> **Subject:** RE: 104(e) Fansteel Metals Facility

Hello Ms. Reed,

My apologies for missing your call earlier! We usually have no problem granting extensions but I'll need to confirm with my clients so we can get you the extension in writing. We will also provide you with nexus information. Unfortunately the severe weather here in Dallas has impacted our operations so it may take us a few days to provide you with that information. We appreciate you contacting us and your patience!

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, re-transmit, disseminate or otherwise use the information. Thank you.

From: Reed, Weslynn (WP) < <u>WPReed@dow.com</u>>
Sent: Thursday, February 18, 2021 2:12 PM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: 104(e) Fansteel Metals Facility

Hello Ms. Pletan,

I'm writing to follow up on a voicemail I left you today regarding the 104(e) Request for Information received by Union Carbide Corporation on February 12 regarding the Fansteel Metals Facility in Muskogee, Oklahoma. Would EPA be amenable to a 60 day deadline extension for Union Carbide's Response? The company needs additional time to search for and review any archived records, which is especially difficult to coordinate during the pandemic.

Also, if you have them, would you please provide any nexus documents for Union Carbide at the site? Thank you,

## Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company 2211 H.H. Dow Way, Midland, MI 48674 Office: 989.496.1167

Cell: 989.423.5564 Email: wpreed@dow.com



#### Message

From: John Hunt [jhunt@amg-nv.com]

**Sent**: 3/16/2021 9:25:28 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Lance,

We will review the attached and prepare our response. Thank you for providing the documents.

Regards,

John

From: Nixon, Lance <Nixon.Lance@epa.gov> Sent: Tuesday, March 16, 2021 5:12 PM To: John Hunt <jhunt@amg-nv.com>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

John,

Please see the attached documents for your review. Please let us know if you need anything else or would like to see more documents. Thank you for your cooperation.

-Lance

From: John Hunt < ihunt@amg-nv.com>
Sent: Friday, March 12, 2021 3:46 PM
To: Nixon, Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov >; Clarke, Angienell < Clarke. Angienell@epa.gov >

Subject: Re: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

Lance,

Thanks for the update.

Thanks John

From: Nixon, Lance < Nixon.Lance@epa.gov>
Sent: Friday, March 12, 2021 4:44:53 PM
To: John Hunt < hunt@amg-nv.com>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

Hello John,

I apologize about the delay. There was a mix-up on my part. I have the nexus documents ready, however, I have to wait until I get approval to release them to you. Once I get the approval I will send them to you immediately. Again, I'm sorry about the delay.

Thanks -Lance

From: John Hunt < ihunt@amg-nv.com > Sent: Friday, March 12, 2021 7:39 AM
To: Nixon, Lance < Nixon. Lance@epa.gov >

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

Lance,

Have you had an opportunity to access the Nexus documents?

Thanks John

From: Nixon, Lance < Nixon.Lance@epa.gov > Sent: Wednesday, March 3, 2021 4:27 PM
To: John Hunt < jhunt@amg-nv.com >

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

We look forward to hearing from you April 9, 2021. I will try to get some nexus documents to you sometime next week. Your cooperation is greatly appreciated.

-Lance

From: John Hunt <<u>jhunt@amg-nv.com</u>>
Sent: Wednesday, March 3, 2021 1:08 PM
To: Nixon, Lance <<u>Nixon.Lance@epa.gov</u>>

Subject: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Mr. Nixon,

I received your CERCLA 104(e) Information Requests dated January 22, 2021 that were sent to the attention of Dr. Heinz Schimmelbusch at Metallurg, Inc located at 435 Devon Park Dr, Building 200, Wayne, PA 19087. Unfortunately our office has been closed with limited access due to COVID-19 restriction. Please find attached a letter documenting that we are in receipt of the CERCLA 104(e) Information Requests and that we are preparing to respond by April 9, 2021.

I apologize for the delay in our response. If you have any questions or comments you can reach me via email or on my mobile # (617) 957-5961.

Regards, John

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#### Message

From: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

**Sent**: 3/1/2021 7:35:14 PM

To: Clarke, Angienell [Clarke.Angienell@epa.gov]; Nixon, Lance [Nixon.Lance@epa.gov]

Subject: FW: 104(e) Fansteel Metals Facility

Attachments: Environmental Protection Agency 2-12-21.pdf

Hi Angienell, I saw you updating the tracking spreadsheet—sorry I didn't forward this to you all—it's Union Carbide's receipt for our 104 e request letter

From: Reed, Weslynn (WP) < WPReed@dow.com> Sent: Thursday, February 18, 2021 2:12 PM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: 104(e) Fansteel Metals Facility

## Hello Ms. Pletan,

I'm writing to follow up on a voicemail I left you today regarding the 104(e) Request for Information received by Union Carbide Corporation on February 12 regarding the Fansteel Metals Facility in Muskogee, Oklahoma. Would EPA be amenable to a 60 day deadline extension for Union Carbide's Response? The company needs additional time to search for and review any archived records, which is especially difficult to coordinate during the pandemic.

Also, if you have them, would you please provide any nexus documents for Union Carbide at the site? Thank you,

#### Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company 2211 H.H. Dow Way, Midland, MI 48674

Office: 989,496,1167 Cell: 989,423,5564 Email: <u>wpreed@dow.com</u>





# **Service of Process Transmittal**

02/12/2021

CT Log Number 539048917

TO: Litigation Nms Focal Point

The Dow Chemical Company

2040 DOW BLDG OFFICE 2052OS, 2211 H.H. DOW WAY

MIDLAND, MI 48674-0001

**Process Served in New York** RE:

Union Carbide Corporation (Domestic State: NY) FOR:

#### ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: RE: Environmental Protection Agency // To: Union Carbide Corporation

DOCUMENT(S) SERVED: Letter, Attachment(s)

COURT/AGENCY: None Specified

Case # None Specified

NATURE OF ACTION: Letter of Intent - Letter by Environmental Protection Agency for Union Carbide

Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents

relating to the Fansteel Metals Facility in Muskogee, Oklahoma. Obtained

information will aid the EPA in its investigation of the release or threat of release of

certain hazardous substances, pollutants or contaminants at this Site

ON WHOM PROCESS WAS SERVED: C T Corporation System, New York, NY

DATE AND HOUR OF SERVICE: By Certified Mail on 02/12/2021 postmarked on 02/04/2021

JURISDICTION SERVED: New York

APPEARANCE OR ANSWER DUE: Within 30 days of receipt

ATTORNEY(S) / SENDER(S): Susan D. Webster

United States Environmental Protection Agency

1201 Elm Street, Suite 500

Dallas, TX 7527Ó

**ACTION ITEMS:** CT has retained the current log, Retain Date: 02/13/2021, Expected Purge Date:

02/18/2021

Image SOP

Email Notification, Litigation Nms Focal Point fmdnmsp@dow.com

**REGISTERED AGENT ADDRESS:** C T Corporation System

28 Liberty Street New York, NY 10005

877-564-7529

MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other

Page 1 of 2 / DP



**Service of Process Transmittal** 

02/12/2021

CT Log Number 539048917

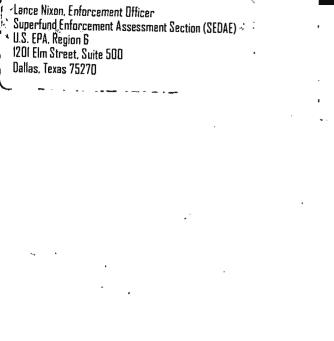
Litigation Nms Focal Point TO:

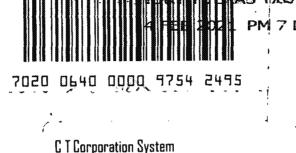
The Dow Chemical Company 2040 DOW BLDG OFFICE 2052OS, 2211 H.H. DOW WAY MIDLAND, MI 48674-0001

RE: **Process Served in New York** 

FOR: Union Carbide Corporation (Domestic State: NY)

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ED 005642 00000191-00003

New York, NY 10005

28 Liberty Street

For Union Carbide Corporation



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2495

C T Corporation System For Union Carbide Corporation 28 Liberty Street New York, NY 10005

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Union Carbide Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER

Digitally algred by SUSAN WEBSTER

DNb c=US, G=U.S. Government,
DN=Environmental Protection Agency,
DN=SUSAN WEBSTER,
DN=242.19200300.100.1.1=68001003655400

Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

## **ENCLOSURE 1**

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">pletan.elizabeth@epa.gov</a>.

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# **ENCLOSURE 2**

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# INSTRUCTIONS and DEFINITIONS

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card; disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images. ا المراجع المراجع المراجع المراجع المراجع المراجع المراجع المراجع المراجع المراجع المراجع والمراجع والمراجع والم
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## **ENCLOSURE 3**

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

## **ENCLOSURE 4**

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc.
(FKA Billiton Trading Co. - Thailand Smelting)
Richard H. Tallant, CEO
150 N. Dairy Ashford Road, Suite 101
Houston, Texas 77079

The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation
Sean D. Keohane
President and CEO
Two Seaport Lane, Suite 1300
Boston, Massachusetts 02210

Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

## General Services Administration (GSA):

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

Catherine Crow (<u>Catherine.crow@gsa.gov</u>)
Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc.
(FKA Sogem Corporation-Norore Division)
Vincent Dujardin, CEO
3717 National Drive
Suite 105
Raleigh, North Carolina 27612

Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

CT Corporation System
For Union Carbide Corporation
28 Liberty Street
New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808

From: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

**Sent**: 3/1/2021 6:29:43 PM

To: Aselda.Thompson@shell.com

CC: Nixon, Lance [Nixon.Lance@epa.gov]

Subject: RE: Fansteel 104(e) information request

Attachments: BillitonDocument.pdf; BillitonMemo1972.pdf

Hi Aselda! Well it was definitely warmer this weekend thank goodness! I hope you had a good weekend too.

Please see attached two records we have that mention the entity referred to as "Billiton." We received these records in a response to a 104(e) request from the facility owner/operator, Fansteel Inc. Fansteel identified this entity as Billiton Trading Company, Inc. As I mentioned in my voicemail last week, our contractors did some preliminary corporate research and indicated that Billiton Trading Company, Inc. at some point merged with Shell Offshore Inc. In an effort to keep costs down, we did not request the analysis behind this preliminary determination. I'll talk to my clients to see if we can obtain the analysis to give you a better idea of the connection between Billiton and Shell. In the meantime, please let me know if these attached records help with Shell's research.

Sincerely, Elizabeth

From: Aselda.Thompson@shell.com <Aselda.Thompson@shell.com>

Sent: Monday, March 01, 2021 11:48 AM

**To:** Pletan, Elizabeth <Pletan.Elizabeth@epa.gov> **Subject:** RE: Fansteel 104(e) information request

Hi Liz,

Hope you had a great weekend!

I'm working with my client groups to track down any information we may have to any of these entities and I'm hoping you might be able to provide what EPA believes to be the nexus or connection to Shell? That will help us direct our search.

Many thanks!

Aselda

From: Thompson, Aselda J SHLOIL-LSPT/EE
Sent: Wednesday, February 17, 2021 2:20 PM
To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>
Subject: RE: Fansteel 104(e) information request

Thanks for the response Liz – these are crazy times for Texas! It would be helpful to have an extension of time, and I'd also like to ask if you're able to provide any information or documents that demonstrate the nexus or connection of Shell to the site – this will definitely help us to search our records more efficiently.

Glad you hear you're all doing ok! We're in the same boat – glad to have power and water, at least for now.

Take care and we can talk when things calm down.

From: Pletan, Elizabeth < <u>Pletan.Elizabeth@epa.gov</u>> Sent: Wednesday, February 17, 2021 12:07 PM

To: Thompson, Aselda J SHLOIL-LSPT/EE < Aselda. Thompson@shell.com >

Subject: Fansteel 104(e) information request

#### Think Secure. This email is from an external source.

Hello Aselda, apologies for not having gotten back to you yet! I hope you and your family are still doing well. I'm very grateful to still have power and everything at my house, but the weather is causing all sorts of issues and it may be next week before I'm able to chat. You are probably very familiar with the 104(e) process, but we are usually very liberal when granting extensions of time to respond if that ends up being necessary due to these circumstances!

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

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From: Gerry Caron [gerry.caron@cabotcorp.com]

**Sent**: 3/1/2021 5:11:03 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

**Subject**: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Thanks Lance, Much appreciated. Gerry

From: Nixon, Lance <Nixon.Lance@epa.gov> Sent: Monday, March 1, 2021 11:50 AM

To: Gerry Caron <gerry.caron@cabotcorp.com>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hello Gerry,

The approval letter dated February 23, 2021, extending the response for Cabot Corp. is attached.

Thank you for your cooperation.

Lance

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Friday, February 5, 2021 8:43 AM **To:** Nixon, Lance < Nixon. Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

**Subject:** RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Thanks Lance. Much appreciated. I will reach out to you if other questions come up during our review.

Gerry

From: Nixon, Lance < Nixon.Lance@epa.gov >

Sent: Friday, February 5, 2021 9:03 AM

**To:** Gerry Caron <<u>gerry.caron@cabotcorp.com</u>> **Cc:** Pletan, Elizabeth <<u>Pletan.Elizabeth@epa.gov</u>>; Clarke, Angienell <<u>Clarke.Angienell@epa.gov</u>>

**Subject:** [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Good morning,

Your request for an extension has been approved. I'll send you a signed approval letter by email hopefully next week.

-Lance

From: Gerry Caron <gerry.caron@cabotcorp.com>

Sent: Thursday, February 4, 2021 5:16 PM To: Nixon, Lance <Nixon, Lance@epa.gov>

Subject: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Thanks Lance, Gerry

From: Nixon, Lance < Nixon.Lance@epa.gov > Sent: Thursday, February 4, 2021 4:32 PM
To: Gerry Caron < gerry.caron@cabotcorp.com >

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Gerry,

I have submitted your request for an extension to my management. I'll be in touch as soon as hear back.

Thank you for your cooperation.

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Thursday, February 4, 2021 2:43 PM **To:** Nixon, Lance < Nixon, Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov >; Clarke, Angienell < Clarke. Angienell@epa.gov >

Subject: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. It appears to me that it will take us additional time beyond the 30 days to conduct internal record checks, etc. to respond properly to EPA's information request, particularly given how far back in time the request and information relate to. I would like to request an additional 30 days for Cabot to respond to EPA's request. Can you please confirm if such an extension is acceptable to the agency?

Thanks, Gerry

From: Nixon, Lance < Nixon.Lance@epa.gov > Sent: Wednesday, February 3, 2021 11:26 AM To: Gerry Caron < gerry.caron@cabotcorp.com >

Cc: Pletan, Elizabeth < Pletan, Elizabeth@epa.gov>; Clarke, Angienell < Clarke, Angienell@epa.gov>

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Gerry,

Thank you for your response. Yes, I agree that email would be the best way to correspond. I do check my voicemail frequently, but email is best.

I've attached a document that we have in our files indicating a nexus between Cabot Corp. and the Fansteel Metals site. I hope you find the document helpful.

Please let me know if you need anything else or have additional questions.

**Thanks** 

-Lance Nixon

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Tuesday, February 2, 2021 3:15 PM **To:** Nixon, Lance < Nixon, Lance@epa.gov>

Subject: FW: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. I left you a voicemail a few minutes ago introducing myself on behalf of Cabot Corp. I realize with Covid and so many folks working remotely that email may be a better choice than voicemail!

Could you please email to me any documents that EPA has in its file indicating a nexus between Cabot Corp. and the Fansteel Metals site? This will help us conduct an internal review and inquiry regarding the site and any potential connections with Cabot Corp.

Please let me know if you have any questions. Also, if you would like to call me, by cell number is 617-515-4529.

Thanks,

Gerry Caron

From: Nixon, Lance < Nixon.Lance@epa.gov>
Sent: Monday, February 1, 2021 3:23 PM
To: Karen Kalita < Karen.Kalita@cabotcorp.com>
Cc: Pletan, Elizabeth < Pletan.Elizabeth@epa.gov>

Subject: [EXTERNAL] Fansteel Metals 104(e) Information Request

Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mailto:nixon.lance@epa.gov">nixon.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or <a href="mailto:please-tizabeth@epa.gov">please-tizabeth@epa.gov</a>.

Thank You.

# Lance Nixon

Enforcement Officer
U.S. Environmental Protection Agency
Superfund and Emergency Management Division
Assessment and Enforcement Branch
214-665-2203

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From: Kradin, Ben [Ben.Kradin@osram.com]

**Sent**: 3/12/2021 11:08:52 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

Subject: 104(e) Request for Information re: Fansteel Metals Facility by OSRAM SYLVANIA INC.

Dear Ms. Pletan and Mr. Nixon,

OSRAM SYLVANIA is respectfully requesting a 60-day extension for the 104(e) request for information due today. As I mentioned over voicemail, I am currently out on parental leave and this extension would provide sufficient time for OSRAM SYLVANIA to conduct a meaningful search. Thank you for your consideration and please feel free to reach out with questions.

Meanwhile, have a great weekend.

Cheers,

Ben Kradin CIPP/US, CIPM, FIP Corporate Counsel Compliance Officer, USC

OSRAM SYLVANIA INC.

GC AMERICAS

200 Ballardvale Street Wilmington, MA 01887

Tel.: (978) 570-3077 Cell: (978) 809-6610 ben.kradin@osram.com www.osram.us

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Seth Rice [seth.rice@kennametal.com] From:

3/1/2021 5:03:05 PM Sent:

To: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

CC: Nixon, Lance [Nixon.Lance@epa.gov]

Subject: Fansteel Metals Site (Muskogee, OK): Kennametal Inc.

## Good morning Elizabeth:

I'm reaching out to confirm that Kennametal Inc. received U.S. EPA's Region 6 CERCLA 104(e) information request letter regarding the Fansteel Metals site in Muskogee, Oklahoma (letter dated January 22, 2021). Please note that due to extended USPS mail delays and routing of mail within Kennametal due to COVID-19 remote working arrangements, we did not actually receive the letter at our headquarters until February 17, 2021. Accordingly, Kennametal's 30 day response deadline is March 19, 2021. We intend to reply on or before that date.

We do intend to include documents as attachments to our response letter. Can you clarify how EPA would like these documents shared electronically (e.g., ShareFile, CD, etc.) and to whom they should be sent? Our preference would be to use a ShareFile-type method given the current remote working environment Kennametal (and perhaps EPA) is in currently; this is preferred over physical mailing of documents or media. Please advise.

Regards, Seth

#### Seth A. Rice

Assistant General Counsel Global Director of Ethics & Compliance; CCEP seth.rice@kennametal.com

+1 412 248 8210 M +1 412 841 2918 +1 724 539 3839

Ethics Helpline: 1-877-781-7319

Kennametal Inc. | 525 William Penn Place Suite 3300 | Pittsburgh, PA 15219 | www.kennametal.com

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From: John Hunt [jhunt@amg-nv.com]

**Sent**: 3/12/2021 9:46:13 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: Re: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Lance,

Thanks for the update.

Thanks John

From: Nixon, Lance <Nixon.Lance@epa.gov> Sent: Friday, March 12, 2021 4:44:53 PM To: John Hunt <jhunt@amg-nv.com>

Cc: Pletan, Elizabeth <Pletan.Elizabeth@epa.gov>; Clarke, Angienell <Clarke.Angienell@epa.gov>

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

Hello John,

I apologize about the delay. There was a mix-up on my part. I have the nexus documents ready, however, I have to wait until I get approval to release them to you. Once I get the approval I will send them to you immediately. Again, I'm sorry about the delay.

Thanks -Lance

From: John Hunt <jhunt@amg-nv.com>
Sent: Friday, March 12, 2021 7:39 AM
To: Nixon, Lance <Nixon.Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

Lance,

Have you had an opportunity to access the Nexus documents?

Thanks John

From: Nixon, Lance < Nixon.Lance@epa.gov>
Sent: Wednesday, March 3, 2021 4:27 PM

To: John Hunt < ihunt@amg-nv.com>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov >; Clarke, Angienell < Clarke. Angienell@epa.gov >

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

We look forward to hearing from you April 9, 2021. I will try to get some nexus documents to you sometime next week. Your cooperation is greatly appreciated.

-Lance

From: John Hunt <<u>ihunt@amg-nv.com</u>>
Sent: Wednesday, March 3, 2021 1:08 PM
To: Nixon, Lance <<u>Nixon, Lance@epa.gov</u>>

Subject: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Mr. Nixon,

I received your CERCLA 104(e) Information Requests dated January 22, 2021 that were sent to the attention of Dr. Heinz Schimmelbusch at Metallurg, Inc located at 435 Devon Park Dr, Building 200, Wayne, PA 19087. Unfortunately our office has been closed with limited access due to COVID-19 restriction. Please find attached a letter documenting that we are in receipt of the CERCLA 104(e) Information Requests and that we are preparing to respond by April 9, 2021.

I apologize for the delay in our response. If you have any questions or comments you can reach me via email or on my mobile # (617) 957-5961.

Regards, John

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From: Tina Chiappetta - LR [christina.chiappetta@gsa.gov]

**Sent**: 2/9/2021 6:28:25 PM

To: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

CC: Katharine Healy - LR [katharine.healy@gsa.gov]; Nixon, Lance [Nixon.Lance@epa.gov]; Clarke, Angienell

[Clarke.Angienell@epa.gov]

Subject: Re: Fansteel Metals Facility

This Friday looks good for us. I will send an invitation shortly. Thank you.

Tina Chiappetta
Real Property Division
Office of General Counsel
General Services Administration
1800 F Street NW, Room 2019
Washington, DC 20405

Tel.: 202 969 4102 Cell: 202 258 8626

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On Tue, Feb 9, 2021 at 1:23 PM Pletan, Elizabeth < <u>Pletan.Elizabeth@epa.gov</u>> wrote:

Hello Tina,

We would be happy to set up a call with you regarding the information request. So far we have availability all day Friday February 8 until 3:00 PM Central, Tuesday February 16 after 2:00 PM Central and Wednesday February 17 after 12 PM Central. My Thursday and Friday of next week are currently blocked off but should open up in the next couple of days if this Friday, next Tuesday or Wednesday do not work for you and your team.

Thank you,

Elizabeth

Elizabeth Pletan, Attorney Superfund Branch

Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

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From: Tina Chiappetta - LR < <a href="mailto:chiappetta@gsa.gov">christina.chiappetta@gsa.gov</a>>

Sent: Tuesday, February 09, 2021 10:57 AM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov >; Katharine Healy - LR < katharine.healy@gsa.gov >; Nixon,

Lance < Nixon.Lance@epa.gov > Subject: Fansteel Metals Facility

Good morning,

We are in receipt of your request under Section 104(e) of CERCLA for information regarding Fansteel Metals Facility in Muskogee, Oklahoma. Would you be available to meet with me and my colleague, Kate Healy, to discuss your request in greater detail? We would like some additional background information to assist us in responding.

If you are available, please suggest a couple of days/times that work for you and I will set up a meeting.

Thank you.

Tina Chiappetta

Real Property Division
Office of General Counsel
General Services Administration

1800 F Street NW, Room 2019

Washington, DC 20405

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From: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

**Sent**: 2/9/2021 6:23:08 PM

To: Tina Chiappetta - LR [christina.chiappetta@gsa.gov]; Katharine Healy - LR [katharine.healy@gsa.gov]; Nixon, Lance

[Nixon.Lance@epa.gov]

**CC**: Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: RE: Fansteel Metals Facility

Hello Tina,

We would be happy to set up a call with you regarding the information request. So far we have availability all day Friday February 8 until 3:00 PM Central, Tuesday February 16 after 2:00 PM Central and Wednesday February 17 after 12 PM Central. My Thursday and Friday of next week are currently blocked off but should open up in the next couple of days if this Friday, next Tuesday or Wednesday do not work for you and your team.

Thank you, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

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From: Tina Chiappetta - LR <christina.chiappetta@gsa.gov>

Sent: Tuesday, February 09, 2021 10:57 AM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Katharine Healy - LR < katharine.healy@gsa.gov>; Nixon, Lance

<Nixon.Lance@epa.gov>

Subject: Fansteel Metals Facility

Good morning,

We are in receipt of your request under Section 104(e) of CERCLA for information regarding Fansteel Metals Facility in Muskogee, Oklahoma. Would you be available to meet with me and my colleague, Kate Healy, to discuss your request in greater detail? We would like some additional background information to assist us in responding.

If you are available, please suggest a couple of days/times that work for you and I will set up a meeting.

Thank you.

Tina Chiappetta
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Office of General Counsel
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1800 F Street NW, Room 2019
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From: Tina Chiappetta - LR [christina.chiappetta@gsa.gov]

**Sent**: 2/9/2021 4:57:08 PM

To: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Katharine Healy - LR [katharine.healy@gsa.gov]; Nixon, Lance

[Nixon.Lance@epa.gov]

Subject: Fansteel Metals Facility

# Good morning,

We are in receipt of your request under Section 104(e) of CERCLA for information regarding Fansteel Metals Facility in Muskogee, Oklahoma. Would you be available to meet with me and my colleague, Kate Healy, to discuss your request in greater detail? We would like some additional background information to assist us in responding.

If you are available, please suggest a couple of days/times that work for you and I will set up a meeting.

Thank you.

Tina Chiappetta
Real Property Division
Office of General Counsel
General Services Administration
1800 F Street NW, Room 2019
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Tel.: 202 969 4102 Cell: 202 258 8626

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From: John Hunt [jhunt@amg-nv.com]

**Sent**: 3/12/2021 1:39:09 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Lance,

Have you had an opportunity to access the Nexus documents?

Thanks John

**From:** Nixon, Lance <Nixon.Lance@epa.gov> **Sent:** Wednesday, March 3, 2021 4:27 PM **To:** John Hunt <jhunt@amg-nv.com>

Cc: Pletan, Elizabeth <Pletan.Elizabeth@epa.gov>; Clarke, Angienell <Clarke.Angienell@epa.gov>

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

We look forward to hearing from you April 9, 2021. I will try to get some nexus documents to you sometime next week. Your cooperation is greatly appreciated.

-Lance

From: John Hunt < <u>ihunt@amg-nv.com</u>>
Sent: Wednesday, March 3, 2021 1:08 PM
To: Nixon, Lance < Nixon, Lance@epa.gov>

Subject: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Mr. Nixon,

I received your CERCLA 104(e) Information Requests dated January 22, 2021 that were sent to the attention of Dr. Heinz Schimmelbusch at Metallurg, Inc located at 435 Devon Park Dr, Building 200, Wayne, PA 19087. Unfortunately our office has been closed with limited access due to COVID-19 restriction. Please find attached a letter documenting that we are in receipt of the CERCLA 104(e) Information Requests and that we are preparing to respond by April 9, 2021.

I apologize for the delay in our response. If you have any questions or comments you can reach me via email or on my mobile # (617) 957-5961.

Regards, John

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From: Gerry Caron [gerry.caron@cabotcorp.com]

**Sent**: 2/5/2021 2:43:26 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

**Subject**: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Thanks Lance. Much appreciated. I will reach out to you if other questions come up during our review.

Gerry

From: Nixon, Lance <Nixon.Lance@epa.gov>
Sent: Friday, February 5, 2021 9:03 AM

To: Gerry Caron <gerry.caron@cabotcorp.com>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

## Good morning,

Your request for an extension has been approved. I'll send you a signed approval letter by email hopefully next week.

-Lance

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Thursday, February 4, 2021 5:16 PM **To:** Nixon, Lance < Nixon, Lance@epa.gov>

**Subject:** RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Thanks Lance, Gerry

From: Nixon, Lance < Nixon.Lance@epa.gov>
Sent: Thursday, February 4, 2021 4:32 PM
To: Gerry Caron < gerry.caron@cabotcorp.com>

Cc: Pletan, Elizabeth < Pletan Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

### Hi Gerry,

I have submitted your request for an extension to my management. I'll be in touch as soon as hear back.

Thank you for your cooperation.

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Thursday, February 4, 2021 2:43 PM **To:** Nixon, Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. It appears to me that it will take us additional time beyond the 30 days to conduct internal record checks, etc. to respond properly to EPA's information request, particularly given how far back in time the request and information

relate to. I would like to request an additional 30 days for Cabot to respond to EPA's request. Can you please confirm if such an extension is acceptable to the agency?

Thanks, Gerry

From: Nixon, Lance < Nixon.Lance@epa.gov > Sent: Wednesday, February 3, 2021 11:26 AM To: Gerry Caron < gerry.caron@cabotcorp.com >

Cc: Pletan, Elizabeth < Pletan Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Gerry,

Thank you for your response. Yes, I agree that email would be the best way to correspond. I do check my voicemail frequently, but email is best.

I've attached a document that we have in our files indicating a nexus between Cabot Corp. and the Fansteel Metals site. I hope you find the document helpful.

Please let me know if you need anything else or have additional questions.

**Thanks** 

-Lance Nixon

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Tuesday, February 2, 2021 3:15 PM **To:** Nixon, Lance < <u>Nixon.Lance@epa.gov</u>>

Subject: FW: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. I left you a voicemail a few minutes ago introducing myself on behalf of Cabot Corp. I realize with Covid and so many folks working remotely that email may be a better choice than voicemail!

Could you please email to me any documents that EPA has in its file indicating a nexus between Cabot Corp. and the Fansteel Metals site? This will help us conduct an internal review and inquiry regarding the site and any potential connections with Cabot Corp.

Please let me know if you have any questions. Also, if you would like to call me, by cell number is 617-515-4529.

Thanks,

**Gerry Caron** 

From: Nixon, Lance < Nixon, Lance@epa.gov>
Sent: Monday, February 1, 2021 3:23 PM

To: Karen Kalita < <a href="mailto:Karen.Kalita@cabotcorp.com">Karen Kalita@cabotcorp.com</a>
Co: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: [EXTERNAL] Fansteel Metals 104(e) Information Request

Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mailto:nixon.lance@epa.gov">nixon.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or <a href="mailto:Pletan.elizabeth@epa.gov">Pletan.elizabeth@epa.gov</a>.

Thank You.

## Lance Nixon

Enforcement Officer
U.S. Environmental Protection Agency
Superfund and Emergency Management Division
Assessment and Enforcement Branch
214-665-2203

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From: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

**Sent**: 2/25/2021 10:24:43 PM

**To**: Tina Chiappetta - LR [christina.chiappetta@gsa.gov]

CC: Katharine Healy - LR [katharine.healy@gsa.gov]; Nixon, Lance [Nixon.Lance@epa.gov]

**Subject**: RE: Section 104e Request: Fansteel

Dear Tina,

Thank you for your response. We will review and let you know if we need anything else.

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

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From: Tina Chiappetta - LR <christina.chiappetta@gsa.gov>

Sent: Thursday, February 25, 2021 4:19 PM

To: Nixon, Lance <Nixon.Lance@epa.gov>; Pletan, Elizabeth <Pletan.Elizabeth@epa.gov>

Cc: Katharine Healy - LR <katharine.healy@gsa.gov>

Subject: Section 104e Request: Fansteel

Good afternoon,

Attached is GSA's response to your request for information relating to Fansteel Metals.

Please let us know if you have questions.

Thanks,

Tina Chiappetta
Real Property Division
Office of General Counsel
General Services Administration
1800 F Street NW, Room 2019
Washington, DC 20405

Tel.: 202 969 4102 Cell: 202 258 8626

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Seth Rice [seth.rice@kennametal.com] From:

3/12/2021 1:16:29 PM Sent:

To: Nixon, Lance [Nixon.Lance@epa.gov]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

Subject: Kennametal Response to Fansteel Metals CERCLA 104(e) Information Request Attachments: Kennametal Response to USEPA Fansteel CERCLA Info Request(3.12.21).pdf

#### Mr. Nixon:

Attached please find Kennametal Inc.'s response to U.S. EPA's CERCLA 104(e) information request regarding the Fansteel Metals site in Muskogee, Oklahoma. Per my prior correspondence, Kennametal is providing relevant documents in electronic format. The files are bates stamped and referenced accordingly in our response letter. You can download the files from the following Dropbox link (please let me know if you have any issues accessing the link):

https://www.dropbox.com/sh/4j5eyxdhgwfn015/AACXkv8Q8AON24nQ5Zk1UuGBa?dl=0

Best regards,

Seth

#### Seth A. Rice

Assistant General Counsel Global Director of Ethics & Compliance; CCEP seth.rice@kennametal.com

+1 412 248 8210 +1 412 841 2918 Μ +1 724 539 3839

Ethics Helpline: 1-877-781-7319

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From: Chintan Amin [chintan.amin@bayer.com]

**Sent**: 3/8/2021 12:04:13 AM

**To**: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

CC: Nixon, Lance [Nixon.Lance@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: RE: Fansteel Site - HC Starck 104(e) Request

Good evening, Elizabeth - Thank you for your confirmation. I appreciate EPA's quick decision-making on this topic.

Best regards,

# Chintan Amin

Sr Asst General Counsel

Head of Real Estate and HSE Law – Health Care and Platform
(Admitted in Penn. and Ga., Admission in N.J. Pending)

I'm an ally

*III* 

Bayer U.S. LLC 100 Bayer Blvd Whippany, New Jersey 07981 United States

Tel: +1 412 777-2715 Mobile: +1 412 539-5518

E-mail: chintan.amin@bayer.com Web: http://www.bayer.us

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Sent: Friday, March 5, 2021 2:26 PM

To: Chintan Amin <chintan.amin@bayer.com>

Cc: Nixon, Lance < Nixon.Lance@epa.gov>; Clarke, Angienell < Clarke.Angienell@epa.gov>

Subject: RE: Fansteel Site - HC Starck 104(e) Request

Hello again Chintan,

I wanted to confirm in writing what I shared in a voicemail to you last week: at this time, Bayer is not obligated to respond to the CERCLA Section 104(e) information request it received from EPA on February 9, 2021.

Thank you, Elizabeth

From: Pletan, Elizabeth

**Sent:** Monday, February 22, 2021 2:24 PM **To:** Chintan Amin <chintan.amin@bayer.com>

Cc: Nixon, Lance < Nixon.Lance@epa.gov>; Clarke, Angienell < Clarke.Angienell@epa.gov>

Subject: RE: Fansteel Site - HC Starck 104(e) Request

Hi Chintan,

Thank you for checking in! You're right, we are still working on this question, and we appreciate you being cognizant of possible deadlines. I'll let you know as soon as possible what we find out and we'll keep in mind you may need an extension.

Thank you again, Elizabeth

From: Chintan Amin < chintan.amin@bayer.com>

Sent: Monday, February 22, 2021 9:59 AM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Cc: Nixon, Lance <Nixon.Lance@epa.gov>; Clarke, Angienell <Clarke.Angienell@epa.gov>

Subject: Fansteel Site - HC Starck 104(e) Request

Hello Elizabeth.

I hope you were able to stay safe and warm last week and have your utilities back.

I am sure your review has been affected by the weather, so I am only writing to ensure that we do not miss any deadlines. As we discussed on the phone, HC Starck was an independent subsidiary of Bayer Corporation that was sold over a decade ago. If EPA determines it is directing the 104(e) request to Bayer Corporation, I may need to pull boxes from long term storage to review. In such a case, Bayer would be seeking an extension of the deadline in your original 104(e) request.

Best regards,

# Chintan Amin

Sr Asst General Counsel
Head of Real Estate and HSE Law – Health Care and Platform
(Admitted in Penn. and Ga., Admission in N.J. Pending)

I'm an ally

*III* 

Bayer U.S. LLC 100 Bayer Blvd Whippany, New Jersey 07981 United States

Tel: +1 412 777-2715 Mobile: +1 412 539-5518

E-mail: <a href="mailto:chintan.amin@bayer.com">chintan.amin@bayer.com</a>
Web: <a href="mailto:http://www.bayer.us">http://www.bayer.us</a>

-----Original Appointment-----

From: Chintan Amin

**Sent:** Tuesday, February 9, 2021 4:24 PM **To:** Chintan Amin; 'Pletan, Elizabeth' **Cc:** Nixon, Lance; Clarke, Angienell

Subject: Superfund Enforcement Assessment Section SEDAE US EPA

When: Friday, February 12, 2021 10:00 AM-10:30 AM (UTC-05:00) Eastern Time (US & Canada).

Where: Microsoft Teams Meeting

Thanks for getting back to me. Hopefully this time on Friday still works. I think my questions are primarily legal in nature, but it may be helpful to have one of the project managers on because it may help me understand how the entities addressed in the letter were named.

# Microsoft Teams meeting

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+1 213-458-8486,536909948# United States, Los Angeles

Phone Conference ID: 536 909 948#

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**From:** Pletan, Elizabeth < <u>Pletan.Elizabeth@epa.gov</u>>

Sent: Tuesday, February 9, 2021 3:50 PM

To: Chintan Amin <chintan.amin@bayer.com>

Cc: Nixon, Lance <Nixon, Lance@epa.gov>; Clarke, Angienell <Clarke, Angienell@epa.gov>

Subject: RE: Superfund Enforcement Assessment Section SEDAE US EPA

Dear Mr. Amin,

My apologies for missing your call earlier! I would be happy to set up a call to discuss the information request. I have cc'ed our Enforcement Officers Lance Nixon and Anginell Clark—it may be helpful to have them on the call. So far we have availability this Friday February 12 anytime except for 1:00 PM to 2:00 PM, Tuesday February 16 after 2:00 PM Central and Wednesday February 17 after 12:00 PM Central. My Thursday and Friday next week are currently blocked off but should open up in the next couple of days. Please let me know if any of those times will work for you and I will set up a Teams meeting.

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

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From: Chintan Amin < <a href="mailto:chintan.amin@bayer.com">chintan.amin@bayer.com</a> Sent: Tuesday, February 09, 2021 2:08 PM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: FW: Superfund Enforcement Assessment Section SEDAE US EPA

Dear Ms. Pletan,

I left a message regarding the attached Section 104(e) letter for your earlier today but with everybody being remote, I'm not sure if you've seen it. When you have a moment, would you let me know when you are available for a call to discuss? I would like to clarify the organization to whom it is addressed. Thank you.

Best regards,

# Chintan Amin

Sr Asst General Counsel
Head of Real Estate and HSE Law – Health Care and Platform
(Admitted in Penn. and Ga., Admission in N.J. Pending)

I'm an ally

*III* 

Bayer U.S. LLC 100 Bayer Blvd Whippany, New Jersey 07981 United States

Tel: +1 412 777-2715 Mobile: +1 412 539-5518

E-mail: chintan.amin@bayer.com Web: http://www.bayer.us

From: Christine Thomas <christine.thomas@bayer.com>

**Sent:** Tuesday, February 9, 2021 10:43 AM **To:** Chintan Amin <<u>chintan.amin@bayer.com</u>>

Subject: FW: Superfund Enforcement Assessment Section SEDAE US EPA

Here you Chintan.

Thanks, Christine

From: Nancy Hynson <nancy.hynson.ext@bayer.com>

Sent: Tuesday, February 9, 2021 10:41 AM

To: Christine Thomas <christine.thomas@bayer.com>

Subject: FW: Superfund Enforcement Assessment Section SEDAE US EPA

Hi Christine,

Here you go.

Nancy

From: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

**Sent**: 3/5/2021 7:41:34 PM

To: Seth Rice [seth.rice@kennametal.com]
CC: Nixon, Lance [Nixon.Lance@epa.gov]

**Subject**: RE: Fansteel Metals Site (Muskogee, OK): Kennametal Inc.

#### Hello Seth,

Thank you for confirming receipt of the Fansteel information request. We appreciate your willingness to share the documents electronically, as we at EPA are also still almost exclusively working from home. We agree that a file sharing service would be the best method for transferring the files. Once Kennametal shares access to the files with us, the files will be uploaded to EPA's internal Superfund document management system. Once the files are uploaded, Kennametal will be able to cease sharing access with us, but just wanted you to know that the uploading process may take a few days.

Please let me know if you have any additional questions! I'm not an IT expert for sure, but if we have any issues I will loop in the appropriate folks.

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

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From: Seth Rice <seth.rice@kennametal.com> Sent: Monday, March 01, 2021 11:03 AM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Cc: Nixon, Lance < Nixon. Lance@epa.gov>

**Subject:** Fansteel Metals Site (Muskogee, OK): Kennametal Inc.

# Good morning Elizabeth:

I'm reaching out to confirm that Kennametal Inc. received U.S. EPA's Region 6 CERCLA 104(e) information request letter regarding the Fansteel Metals site in Muskogee, Oklahoma (letter dated January 22, 2021). Please note that due to extended USPS mail delays and routing of mail within Kennametal due to COVID-19 remote working arrangements, we did not actually receive the letter at our headquarters until February 17, 2021. Accordingly, Kennametal's 30 day response deadline is March 19, 2021. We intend to reply on or before that date.

We do intend to include documents as attachments to our response letter. Can you clarify how EPA would like these documents shared electronically (e.g., ShareFile, CD, etc.) and to whom they should be sent? Our preference would be

to use a ShareFile-type method given the current remote working environment Kennametal (and perhaps EPA) is in currently; this is preferred over physical mailing of documents or media. Please advise.

Regards, Seth

#### Seth A. Rice

Assistant General Counsel Global Director of Ethics & Compliance; CCEP seth.rice@kennametal.com

+1 412 248 8210 +1 412 841 2918 +1 724 539 3839

Ethics Helpline: 1-877-781-7319

Kennametal Inc. | 525 William Penn Place Suite 3300 | Pittsburgh, PA 15219 | www.kennametal.com

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Select the following link to view the Disclaimer in an alternate language. http://www.kennametal.com/en/about-us/disclaimer.html

From: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

**Sent**: 3/5/2021 7:26:03 PM

**To**: Chintan Amin [chintan.amin@bayer.com]

CC: Nixon, Lance [Nixon.Lance@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

**Subject**: RE: Fansteel Site - HC Starck 104(e) Request

Hello again Chintan,

I wanted to confirm in writing what I shared in a voicemail to you last week: at this time, Bayer is not obligated to respond to the CERCLA Section 104(e) information request it received from EPA on February 9, 2021.

Thank you, Elizabeth

From: Pletan, Elizabeth

**Sent:** Monday, February 22, 2021 2:24 PM **To:** Chintan Amin <chintan.amin@bayer.com>

Cc: Nixon, Lance <Nixon.Lance@epa.gov>; Clarke, Angienell <Clarke.Angienell@epa.gov>

Subject: RE: Fansteel Site - HC Starck 104(e) Request

Hi Chintan,

Thank you for checking in! You're right, we are still working on this question, and we appreciate you being cognizant of possible deadlines. I'll let you know as soon as possible what we find out and we'll keep in mind you may need an extension.

Thank you again, Elizabeth

From: Chintan Amin <<u>chintan.amin@bayer.com</u>>
Sent: Monday, February 22, 2021 9:59 AM
To: Pletan, Elizabeth <Pletan.Elizabeth@epa.gov>

Cc: Nixon, Lance <Nixon.Lance@epa.gov>; Clarke, Angienell <Clarke.Angienell@epa.gov>

Subject: Fansteel Site - HC Starck 104(e) Request

Hello Elizabeth.

I hope you were able to stay safe and warm last week and have your utilities back.

I am sure your review has been affected by the weather, so I am only writing to ensure that we do not miss any deadlines. As we discussed on the phone, HC Starck was an independent subsidiary of Bayer Corporation that was sold over a decade ago. If EPA determines it is directing the 104(e) request to Bayer Corporation, I may need to pull boxes from long term storage to review. In such a case, Bayer would be seeking an extension of the deadline in your original 104(e) request.

Best regards,

Chintan Amin

Sr Asst General Counsel

Head of Real Estate and HSE Law - Health Care and Platform

(Admitted in Penn. and Ga., Admission in N.J. Pending)

### I'm an ally

*III* 

Bayer U.S. LLC 100 Bayer Blvd Whippany, New Jersey 07981 United States

Tel: +1 412 777-2715 Mobile: +1 412 539-5518

E-mail: chintan.amin@bayer.com Web: http://www.bayer.us

----Original Appointment-----

From: Chintan Amin

**Sent:** Tuesday, February 9, 2021 4:24 PM **To:** Chintan Amin; 'Pletan, Elizabeth' **Cc:** Nixon, Lance; Clarke, Angienell

Subject: Superfund Enforcement Assessment Section SEDAE US EPA

When: Friday, February 12, 2021 10:00 AM-10:30 AM (UTC-05:00) Eastern Time (US & Canada).

Where: Microsoft Teams Meeting

Thanks for getting back to me. Hopefully this time on Friday still works. I think my questions are primarily legal in nature, but it may be helpful to have one of the project managers on because it may help me understand how the entities addressed in the letter were named.

# Microsoft Teams meeting

# Join on your computer or mobile app

Click here to join the meeting

# Join with a video conferencing device

teams@pex-a.video.bayer.biz
Video Conference ID: 123 910 307 7
Alternate VTC dialing instructions

### Or call in (audio only)

+1 213-458-8486,,536909948# United States, Los Angeles

Phone Conference ID: 536 909 948#

Find a local number | Reset PIN

Learn More | Meeting options

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

**Sent:** Tuesday, February 9, 2021 3:50 PM **To:** Chintan Amin <chintan.amin@bayer.com>

Cc: Nixon, Lance < Nixon.Lance@epa.gov>; Clarke, Angienell < Clarke.Angienell@epa.gov>

Subject: RE: Superfund Enforcement Assessment Section SEDAE US EPA

Dear Mr. Amin,

My apologies for missing your call earlier! I would be happy to set up a call to discuss the information request. I have cc'ed our Enforcement Officers Lance Nixon and Anginell Clark—it may be helpful to have them on the call. So far we have availability this Friday February 12 anytime except for 1:00 PM to 2:00 PM, Tuesday February 16 after 2:00 PM Central and Wednesday February 17 after 12:00 PM Central. My Thursday and Friday next week are currently blocked off but should open up in the next couple of days. Please let me know if any of those times will work for you and I will set up a Teams meeting.

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

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From: Chintan Amin <<u>chintan.amin@bayer.com</u>>

Sent: Tuesday, February 09, 2021 2:08 PM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: FW: Superfund Enforcement Assessment Section SEDAE US EPA

Dear Ms. Pletan,

I left a message regarding the attached Section 104(e) letter for your earlier today but with everybody being remote, I'm not sure if you've seen it. When you have a moment, would you let me know when you are available for a call to discuss? I would like to clarify the organization to whom it is addressed. Thank you.

Best regards,

# Chintan Amin

Sr Asst General Counsel
Head of Real Estate and HSE Law – Health Care and Platform
(Admitted in Penn. and Ga., Admission in N.J. Pending)

I'm an ally

*III* 

Bayer U.S. LLC 100 Bayer Blvd Whippany, New Jersey 07981 United States

Tel: +1 412 777-2715 Mobile: +1 412 539-5518

E-mail: chintan.amin@bayer.com

Web: http://www.bayer.us From: Christine Thomas < christine.thomas@bayer.com> Sent: Tuesday, February 9, 2021 10:43 AM To: Chintan Amin <chintan.amin@bayer.com> Subject: FW: Superfund Enforcement Assessment Section SEDAE US EPA Here you Chintan. Thanks, Christine From: Nancy Hynson <nancy.hynson.ext@bayer.com> Sent: Tuesday, February 9, 2021 10:41 AM To: Christine Thomas < christine.thomas@bayer.com> Subject: FW: Superfund Enforcement Assessment Section SEDAE US EPA Hi Christine, Here you go. Nancy The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you. The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or

indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

From: John Hunt [jhunt@amg-nv.com]

**Sent**: 3/3/2021 9:01:25 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

Subject: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Lance,

Thanks for the call back this afternoon. Please confirm that you received this email. I'll resend the letter if this makes it throught.

Thanks John

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From: John Hunt [jhunt@amg-nv.com]

**Sent**: 3/3/2021 7:07:41 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

Subject: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Attachments: EPA Fansteel 030321.pdf

Mr. Nixon,

I received your CERCLA 104(e) Information Requests dated January 22, 2021 that were sent to the attention of Dr. Heinz Schimmelbusch at Metallurg, Inc located at 435 Devon Park Dr, Building 200, Wayne, PA 19087. Unfortunately our office has been closed with limited access due to COVID-19 restriction. Please find attached a letter documenting that we are in receipt of the CERCLA 104(e) Information Requests and that we are preparing to respond by April 9, 2021.

I apologize for the delay in our response. If you have any questions or comments you can reach me via email or on my mobile # (617) 957-5961.

Regards, John

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From: Aselda.Thompson@shell.com [Aselda.Thompson@shell.com]

**Sent**: 3/3/2021 4:30:45 PM

To: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

CC: Nixon, Lance [Nixon.Lance@epa.gov]

Subject: RE: Fansteel 104(e) information request

Much appreciated, Liz. We continue to review all available files but if would be at all possible to review the connection your contractor identified, that would greatly help us to focus our search. I understand if that's not possible.

Many thanks,

Aselda

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Sent: Wednesday, March 3, 2021 10:21 AM

To: Thompson, Aselda J SHLOIL-LSPT/EE <Aselda.Thompson@shell.com>

Cc: Nixon, Lance < Nixon. Lance@epa.gov>

Subject: RE: Fansteel 104(e) information request

#### Think Secure. This email is from an external source.

Hi again Aselda,

We approve your extension request, making the new due date April 10, 2021. In the next few days we'll provide you with letter memorializing the extension.

Thank you! Elizabeth

From: Pletan, Elizabeth

**Sent:** Monday, March 01, 2021 4:06 PM

To: Aselda.Thompson@shell.com

Cc: Nixon, Lance < Nixon. Lance@epa.gov >

Subject: RE: Fansteel 104(e) information request

Hi Aselda, just confirming receipt of your request. I'll bring it to my clients and let you know as soon as possible.

Thank you! Elizabeth

From: Aselda. Thompson@shell.com < Aselda. Thompson@shell.com >

Sent: Monday, March 01, 2021 2:40 PM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Cc: Nixon, Lance < Nixon. Lance@epa.gov>

Subject: RE: Fansteel 104(e) information request

Thanks very much, Liz – that's helpful and I've passed along to the people doing the investigating for us. In the meantime, I'd like to formally request an extension of time to respond. We received the letter into our Houston mailroom on February 9<sup>th</sup>, so 30 days would put us at March 11<sup>th</sup>. While it's possible that we will have completed our search, I would like to request an additional 30 days to ensure we have the time to conduct a thorough search. Would EPA be able to approve an extension until April 10<sup>th</sup>?

Many thanks,

#### Aselda

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Sent: Monday, March 1, 2021 12:30 PM

To: Thompson, Aselda J SHLOIL-LSPT/EE <Aselda. Thompson@shell.com>

Cc: Nixon, Lance < Nixon. Lance@epa.gov>

Subject: RE: Fansteel 104(e) information request

#### Think Secure. This email is from an external source.

Hi Aselda! Well it was definitely warmer this weekend thank goodness! I hope you had a good weekend too.

Please see attached two records we have that mention the entity referred to as "Billiton." We received these records in a response to a 104(e) request from the facility owner/operator, Fansteel Inc. Fansteel identified this entity as Billiton Trading Company, Inc. As I mentioned in my voicemail last week, our contractors did some preliminary corporate research and indicated that Billiton Trading Company, Inc. at some point merged with Shell Offshore Inc. In an effort to keep costs down, we did not request the analysis behind this preliminary determination. I'll talk to my clients to see if we can obtain the analysis to give you a better idea of the connection between Billiton and Shell. In the meantime, please let me know if these attached records help with Shell's research.

Sincerely, Elizabeth

From: Aselda.Thompson@shell.com <Aselda.Thompson@shell.com>

Sent: Monday, March 01, 2021 11:48 AM

**To:** Pletan, Elizabeth < <u>Pletan.Elizabeth@epa.gov</u>> **Subject:** RE: Fansteel 104(e) information request

Hi Liz,

Hope you had a great weekend!

I'm working with my client groups to track down any information we may have to any of these entities and I'm hoping you might be able to provide what EPA believes to be the nexus or connection to Shell? That will help us direct our search.

Many thanks!

Aselda

From: Thompson, Aselda J SHLOIL-LSPT/EE

Sent: Wednesday, February 17, 2021 2:20 PM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: RE: Fansteel 104(e) information request

Thanks for the response Liz – these are crazy times for Texas! It would be helpful to have an extension of time, and I'd also like to ask if you're able to provide any information or documents that demonstrate the nexus or connection of Shell to the site – this will definitely help us to search our records more efficiently.

Glad you hear you're all doing ok! We're in the same boat – glad to have power and water, at least for now.

Take care and we can talk when things calm down.

#### Aselda

From: Pletan, Elizabeth < <u>Pletan.Elizabeth@epa.gov</u>>
Sent: Wednesday, February 17, 2021 12:07 PM

To: Thompson, Aselda J SHLOIL-LSPT/EE < Aselda. Thompson@shell.com >

Subject: Fansteel 104(e) information request

#### Think Secure. This email is from an external source.

Hello Aselda, apologies for not having gotten back to you yet! I hope you and your family are still doing well. I'm very grateful to still have power and everything at my house, but the weather is causing all sorts of issues and it may be next week before I'm able to chat. You are probably very familiar with the 104(e) process, but we are usually very liberal when granting extensions of time to respond if that ends up being necessary due to these circumstances!

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

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From: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

Sent: 3/3/2021 4:21:01 PM
To: Aselda.Thompson@shell.com

CC: Nixon, Lance [Nixon.Lance@epa.gov]

Subject: RE: Fansteel 104(e) information request

Hi again Aselda,

We approve your extension request, making the new due date April 10, 2021. In the next few days we'll provide you with letter memorializing the extension.

Thank you! Elizabeth

From: Pletan, Elizabeth

**Sent:** Monday, March 01, 2021 4:06 PM **To:** Aselda.Thompson@shell.com

Cc: Nixon, Lance < Nixon. Lance@epa.gov>

Subject: RE: Fansteel 104(e) information request

Hi Aselda, just confirming receipt of your request. I'll bring it to my clients and let you know as soon as possible.

Thank you! Elizabeth

From: Aselda.Thompson@shell.com <Aselda.Thompson@shell.com>

Sent: Monday, March 01, 2021 2:40 PM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Cc: Nixon, Lance < Nixon. Lance @epa.gov>

Subject: RE: Fansteel 104(e) information request

Thanks very much, Liz – that's helpful and I've passed along to the people doing the investigating for us. In the meantime, I'd like to formally request an extension of time to respond. We received the letter into our Houston mailroom on February  $9^{th}$ , so 30 days would put us at March  $11^{th}$ . While it's possible that we will have completed our search, I would like to request an additional 30 days to ensure we have the time to conduct a thorough search. Would EPA be able to approve an extension until April  $10^{th}$ ?

Many thanks,

Aselda

From: Pletan, Elizabeth < Pletan, Elizabeth@epa.gov>

Sent: Monday, March 1, 2021 12:30 PM

To: Thompson, Aselda J SHLOIL-LSPT/EE < Aselda. Thompson@shell.com >

Cc: Nixon, Lance < Nixon. Lance@epa.gov>

Subject: RE: Fansteel 104(e) information request

#### Think Secure. This email is from an external source.

Hi Aselda! Well it was definitely warmer this weekend thank goodness! I hope you had a good weekend too.

Please see attached two records we have that mention the entity referred to as "Billiton." We received these records in a response to a 104(e) request from the facility owner/operator, Fansteel Inc. Fansteel identified this entity as Billiton Trading Company, Inc. As I mentioned in my voicemail last week, our contractors did some preliminary corporate research and indicated that Billiton Trading Company, Inc. at some point merged with Shell Offshore Inc. In an effort to keep costs down, we did not request the analysis behind this preliminary determination. I'll talk to my clients to see if we can obtain the analysis to give you a better idea of the connection between Billiton and Shell. In the meantime, please let me know if these attached records help with Shell's research.

Sincerely, Elizabeth

From: Aselda.Thompson@shell.com <Aselda.Thompson@shell.com>

Sent: Monday, March 01, 2021 11:48 AM

**To:** Pletan, Elizabeth < <u>Pletan.Elizabeth@epa.gov</u>> **Subject:** RE: Fansteel 104(e) information request

Hi Liz,

Hope you had a great weekend!

I'm working with my client groups to track down any information we may have to any of these entities and I'm hoping you might be able to provide what EPA believes to be the nexus or connection to Shell? That will help us direct our search.

Many thanks!

Aselda

From: Thompson, Aselda J SHLOIL-LSPT/EE
Sent: Wednesday, February 17, 2021 2:20 PM
To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>
Subject: RE: Fansteel 104(e) information request

Thanks for the response Liz – these are crazy times for Texas! It would be helpful to have an extension of time, and I'd also like to ask if you're able to provide any information or documents that demonstrate the nexus or connection of Shell to the site – this will definitely help us to search our records more efficiently.

Glad you hear you're all doing ok! We're in the same boat – glad to have power and water, at least for now.

Take care and we can talk when things calm down.

Aselda

From: Pletan, Elizabeth < <u>Pletan.Elizabeth@epa.gov</u>> Sent: Wednesday, February 17, 2021 12:07 PM

To: Thompson, Aselda J SHLOIL-LSPT/EE < Aselda. Thompson@shell.com >

**Subject:** Fansteel 104(e) information request

#### Think Secure. This email is from an external source.

Hello Aselda, apologies for not having gotten back to you yet! I hope you and your family are still doing well. I'm very grateful to still have power and everything at my house, but the weather is causing all sorts of issues and it may be next

week before I'm able to chat. You are probably very familiar with the 104(e) process, but we are usually very liberal when granting extensions of time to respond if that ends up being necessary due to these circumstances!

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

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From: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

Sent: 3/1/2021 10:05:42 PM

To: Aselda.Thompson@shell.com

CC: Nixon, Lance [Nixon.Lance@epa.gov]

Subject: RE: Fansteel 104(e) information request

Hi Aselda, just confirming receipt of your request. I'll bring it to my clients and let you know as soon as possible.

Thank you! Elizabeth

From: Aselda.Thompson@shell.com <Aselda.Thompson@shell.com>

Sent: Monday, March 01, 2021 2:40 PM

**To:** Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Cc: Nixon, Lance < Nixon. Lance@epa.gov>

Subject: RE: Fansteel 104(e) information request

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Sent: Monday, March 1, 2021 12:30 PM

To: Thompson, Aselda J SHLOIL-LSPT/EE < Aselda. Thompson@shell.com >

Cc: Nixon, Lance < Nixon. Lance@epa.gov>

Subject: RE: Fansteel 104(e) information request

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Sincerely, Elizabeth

From: Aselda.Thompson@shell.com <Aselda.Thompson@shell.com>

Sent: Monday, March 01, 2021 11:48 AM

To: Pletan, Elizabeth < <u>Pletan.Elizabeth@epa.gov</u>> Subject: RE: Fansteel 104(e) information request

Hi Liz,

Hope you had a great weekend!

I'm working with my client groups to track down any information we may have to any of these entities and I'm hoping you might be able to provide what EPA believes to be the nexus or connection to Shell? That will help us direct our search.

Many thanks!

Aselda

From: Thompson, Aselda J SHLOIL-LSPT/EE

Sent: Wednesday, February 17, 2021 2:20 PM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov >

Subject: RE: Fansteel 104(e) information request

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Glad you hear you're all doing ok! We're in the same boat – glad to have power and water, at least for now.

Take care and we can talk when things calm down.

Aselda

From: Pletan, Elizabeth < <u>Pletan.Elizabeth@epa.gov</u>> Sent: Wednesday, February 17, 2021 12:07 PM

To: Thompson, Aselda J SHLOIL-LSPT/EE < Aselda. Thompson@shell.com >

Subject: Fansteel 104(e) information request

#### Think Secure. This email is from an external source.

Hello Aselda, apologies for not having gotten back to you yet! I hope you and your family are still doing well. I'm very grateful to still have power and everything at my house, but the weather is causing all sorts of issues and it may be next week before I'm able to chat. You are probably very familiar with the 104(e) process, but we are usually very liberal when granting extensions of time to respond if that ends up being necessary due to these circumstances!

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

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From: Reed, Weslynn (WP) [WPReed@dow.com]

**Sent**: 3/1/2021 9:20:37 PM

To: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

CC: Nixon, Lance [Nixon.Lance@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

**Subject**: RE: 104(e) Fansteel Metals Facility

Thank you, Elizabeth.

#### Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company

2211 H.H. Dow Way, Midland, MI 48674

Office: 989.496.1167 Cell: 989.423.5564 Email: <u>wpreed@dow.com</u>

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Sent: Monday, March 1, 2021 2:44 PM

To: Reed, Weslynn (WP) < WPReed@dow.com>

Cc: Nixon, Lance <Nixon.Lance@epa.gov>; Clarke, Angienell <Clarke.Angienell@epa.gov>

Subject: RE: 104(e) Fansteel Metals Facility

Hello Wes,

Please find attached a document showing a contractual relationship between Union Carbide and Fansteel.

Thank you, Elizabeth

From: Reed, Weslynn (WP) < <u>WPReed@dow.com</u>>
Sent: Wednesday, February 24, 2021 5:56 PM
To: Pletan, Elizabeth < <u>Pletan, Elizabeth@epa,gov</u>>

Cc: Nixon, Lance <Nixon.Lance@epa.gov>; Clarke, Angienell <Clarke.Angienell@epa.gov>

Subject: RE: 104(e) Fansteel Metals Facility

Thank you, Elizabeth. I appreciate the extension and look forward to reviewing the records.

Best regards,

Wes

# Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company 2211 H.H. Dow Way, Midland, MI 48674

Office: 989,496,1167 Cell: 989,423,5564 Email: <u>wpreed@dow.com</u>

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov > Sent: Wednesday, February 24, 2021 4:34 PM
To: Reed, Weslynn (WP) < WPReed@dow.com >

Cc: Nixon, Lance < Nixon.Lance@epa.gov>; Clarke, Angienell < Clarke.Angienell@epa.gov>

Subject: RE: 104(e) Fansteel Metals Facility

Hello Weslylnn,

Thank you again for your patience! This email serves as an extension of time for Union Carbide/Dow to reply to EPA's 104(e) information request. Based on the date you received the request, February 12, 2021, the new due date is April 13, 2021. We will also provide you with a written extension signed by my client.

We are still working on preparing some records to send to you; I'm hoping to provide them by the end of this week. The records show a "conversion" contract relationship between Union Carbide and Fansteel in the late 60's/early 70's pursuant to which Union Carbide provided raw material (tin slag) to Fansteel and Fansteel returned tantalum to Union Carbide.

Sincerely, Elizabeth

From: Reed, Weslynn (WP) < WPReed@dow.com>

Sent: Friday, February 19, 2021 9:18 AM

**To:** Pletan, Elizabeth < <u>Pletan.Elizabeth@epa.gov</u>> **Subject:** RE: 104(e) Fansteel Metals Facility

Thank you, Elizabeth. There is no rush on our end. Stay safe and warm!

Wes

### Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company 2211 H.H. Dow Way, Midland, Mi 48674

Office: 989.496.1167 Cell: 989.423.5564 Email: wpreed@dow.com

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

**Sent:** Thursday, February 18, 2021 4:07 PM **To:** Reed, Weslynn (WP) < <u>WPReed@dow.com</u>> **Subject:** RE: 104(e) Fansteel Metals Facility

Hello Ms. Reed,

My apologies for missing your call earlier! We usually have no problem granting extensions but I'll need to confirm with my clients so we can get you the extension in writing. We will also provide you with nexus information. Unfortunately the severe weather here in Dallas has impacted our operations so it may take us a few days to provide you with that information. We appreciate you contacting us and your patience!

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, re-transmit, disseminate or otherwise use the information. Thank you.

From: Reed, Weslynn (WP) < <u>WPReed@dow.com</u>>
Sent: Thursday, February 18, 2021 2:12 PM
To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: 104(e) Fansteel Metals Facility

# Hello Ms. Pletan,

I'm writing to follow up on a voicemail I left you today regarding the 104(e) Request for Information received by Union Carbide Corporation on February 12 regarding the Fansteel Metals Facility in Muskogee, Oklahoma. Would EPA be amenable to a 60 day deadline extension for Union Carbide's Response? The company needs additional time to search for and review any archived records, which is especially difficult to coordinate during the pandemic.

Also, if you have them, would you please provide any nexus documents for Union Carbide at the site? Thank you,

#### Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company 2211 H.H. Dow Way, Midland, Mi 48674 Office: 989.496.1167

Cilice, 989,423,5564 Cell: 989,423,5564 Email: <u>wpreed@dow.com</u>



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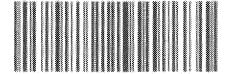
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Lance Nixon, Enforcement Officer Superford Enforcement Assessment Section (SEDAE) U.S. EPA, Region 6 201 Ekn Street, Suite 500 Dallas, Texas 75270



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Lence Nuon. Enforcement Officer. Superfund Enforcement Assessment Section (SEDAE) U.S. F.M., Region & 120 Elm Street, Suite SOO Dellas, Texas 72770

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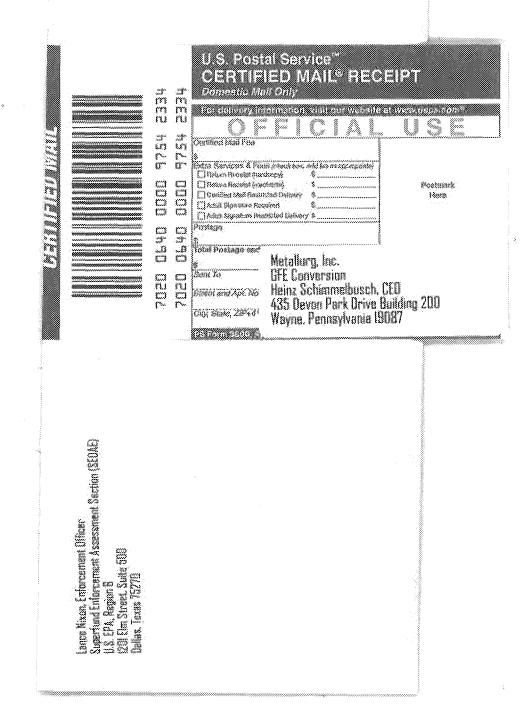
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Lance Naton, Enforcement Officer Superfund Enforcement Assessment Section (SEOAE) U.S. EPA, Region & USH Ein Street, Suite SIII Dellex, Taxes 70.270

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#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2426

The Corporation Trust Company For Shell Offshore Inc. Corporation Trust Center 1209 Orange Street Wilmington, DE 19801

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Shell Offshore Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
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Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

#### **ENCLOSURE 1**

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">pletan.elizabeth@epa.gov</a>.

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.



### **ENCLOSURE 2**

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
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- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
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Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### General Services Administration (GSA):

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzine USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2433

Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, DE 19808

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Cabot Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER Digitally aigned by SUSAN WEBSTER
DN: C=US, 0=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
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Date: 2021.01.22 15:27:43-06'00'

Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <u>pletan.elizabeth@epa.gov</u>.

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
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Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

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Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
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Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

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### General Services Administration (GSA):

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2440

The Corporation Trust Company For Metallurg, Inc. Corporation Trust Center 1209 Orange Street Wilmington, DE 19801

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

#### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Metallurg, Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: C=US, 0=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200300.100.1.1=68001003655400
Date: 2021.01.22 15:27:43 -06'00'

Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <u>pletan.elizabeth@epa.gov</u>.

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### General Services Administration (GSA):

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

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### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2457

Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Building Suite 104 Wilmington, DE 19810

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

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Sincerely yours,

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
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Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

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If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">pletan.elizabeth@epa.gov</a>.

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- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
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- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
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- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
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- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### General Services Administration (GSA):

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2464

Corporation Service Company For Bayer Corporation 135 N. Pennsylvania Street, Suite 1610 Indianapolis, IN 46204

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Bayer Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: C=US, 0=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200300.100.1.1=68001003655400
Date: 2021.01.22 15:27:43 -06'00'

Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">pletan.elizabeth@epa.gov</a>.

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

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Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

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Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

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- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
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- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
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  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
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  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

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Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

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### General Services Administration (GSA):

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> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

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> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2471

Corporate Service Company For Philips Holding USA Inc. 251 Little Fall Drive Wilmington, DE 19808

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Philips Holding USA Inc. For Philips North America LLC (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: C=US, 0=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200300.100.1.1=68001003655400
Date: 2021.01.22 15:27:43 -06'00'

Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">pletan.elizabeth@epa.gov</a>.

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.



# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

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Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

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## **QUESTIONS**

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Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzine USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2488

Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Everzinc USA Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: C=US, 0=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200300.100.1.1=68001003655400
Date: 2021.01.22 15:27:43 -06'00'

Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">pletan.elizabeth@epa.gov</a>.

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

### **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### General Services Administration (GSA):

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

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### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2495

C T Corporation System For Union Carbide Corporation 28 Liberty Street New York, NY 10005

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

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Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

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- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
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- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

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- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
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- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### General Services Administration (GSA):

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2501

Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, DE 19808

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Valenite, LLC (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: C=US, 0=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200300.100.1.1=68001003655400
Date: 2021.01.22 15:27:43 -06'00'

Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">pletan.elizabeth@epa.gov</a>.

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
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- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

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- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
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Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

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- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
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- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
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  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

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Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

## CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2310

Amalgamet, Inc.
Amalgamet-Finamines
Hamish Michie, CEO
222 Bloomingdale Road
Suite 101
White Plains, New York 10605

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

#### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Amalgamet, Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER Digitally aigned by SUSAN WEBSTER
DN: C=US, 0=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
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Date: 2021.01.22 15:27:43 -06'00'

Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <u>pletan.elizabeth@epa.gov</u>.

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.



# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

### **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
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Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
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> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

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Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2327

Shell Offshore Inc.
Billiton Trading Co. - Thailand Smelting
Richard H. Tallant, CEO
150 N. Dairy Ashford Road
Houston, Texas 77079

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Shell Offshore Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: C=US, 0=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200300.100.1.1=68001003655400
Date: 2021.01.22 15:27:43 -06'00'

Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <u>pletan.elizabeth@epa.gov</u>.

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### General Services Administration (GSA):

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

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### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2334

Metallurg, Inc. GFE Conversion Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

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Sincerely yours,

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Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

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## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

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- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

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- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
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- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
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- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### General Services Administration (GSA):

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzine USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2341

Osram Sylvania Inc. GTE - Sylvania Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Osram Sylvania Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: C=US, 0=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200300.100.1.1=68001003655400
Date: 2021.01.22 15:27:43 -06'00'

Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">pletan.elizabeth@epa.gov</a>.

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
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- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

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- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
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Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

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- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
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- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

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Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2358

Bayer Corporation Hermann C. Stark, Inc. Philip Blake, President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Bayer Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER Digitally aigned by SUSAN WEBSTER
DN: C=US, 0=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200300.100.1.1=68001003655400
Date: 2021.01.22 15:27:43 -06'00'

Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">pletan.elizabeth@epa.gov</a>.

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
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Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
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Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2365

Kennametal Inc. Christopher Rossi, President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Kennametal Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: C=US, 0=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200300.100.1.1=68001003655400
Date: 2021.01.22 15:27:43 -06'00'

Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">pletan.elizabeth@epa.gov</a>.

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.



# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

## FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### General Services Administration (GSA):

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2372

Philips Holding USA Inc.
For Philips North America LLC
Mepco Electra
Vitor Rocha, CEO
222 Jacobs Street
3rd Floor
Cambridge, Massachusetts 02141

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

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Sincerely yours,

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
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- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

### **DEFINITIONS**

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- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
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- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

### General Services Administration (GSA):

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2389

Metallurg, Inc. Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Metallurg, Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER Digitally aigned by SUSAN WEBSTER
DN: C=US, 0=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200300.100.1.1=68001003655400
Date: 2021.01.22 15:27:43-06'00'

Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <u>pletan.elizabeth@epa.gov</u>.

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
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- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

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Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

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- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
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- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
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  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
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  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

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Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

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### General Services Administration (GSA):

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> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2396

Everzinc USA Inc.
Sogem Corporation - Norore Division
Vincent Dujardin, CEO
3717 National Drive
Suite 105
Raleigh, North Carolina 27612

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Everzinc USA Inc. (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: C=US, 0=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200300.100.1.1=68001003655400
Date: 2021.01.22 15:27:43 -06'00'

Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:pletan.elizabeth@epa.gov">pletan.elizabeth@epa.gov</a>.

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

### **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
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Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
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> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2402

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

### Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Union Carbide Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER Digitally aigned by SUSAN WEBSTER
DN: C=US, 0=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200300.100.1.1=68001003655400
Date: 2021.01.22 15:27:43 -06'00'

Susan D. Webster, Chief Assessment & Enforcement Branch (SEDA) Superfund Division

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <u>pletan.elizabeth@epa.gov</u>.

### **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

### **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

### **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

## General Services Administration (GSA):

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

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## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2419

Valenite, LLC Valeron Metals Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

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Sincerely yours,

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- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

# **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials;
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

## General Services Administration (GSA):

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808

From: Gerry Caron [gerry.caron@cabotcorp.com]

**Sent**: 2/4/2021 11:16:16 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

Subject: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Thanks Lance, Gerry

From: Nixon, Lance <Nixon.Lance@epa.gov>
Sent: Thursday, February 4, 2021 4:32 PM
To: Gerry Caron <gerry.caron@cabotcorp.com>

Cc: Pletan, Elizabeth <Pletan. Elizabeth@epa.gov>; Clarke, Angienell <Clarke. Angienell@epa.gov>

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Gerry,

I have submitted your request for an extension to my management. I'll be in touch as soon as hear back. Thank you for your cooperation.

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Thursday, February 4, 2021 2:43 PM **To:** Nixon, Lance < Nixon, Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. It appears to me that it will take us additional time beyond the 30 days to conduct internal record checks, etc. to respond properly to EPA's information request, particularly given how far back in time the request and information relate to. I would like to request an additional 30 days for Cabot to respond to EPA's request. Can you please confirm if such an extension is acceptable to the agency?

Thanks, Gerry

From: Nixon, Lance <Nixon.Lance@epa.gov>
Sent: Wednesday, February 3, 2021 11:26 AM
To: Gerry Caron <<u>gerry.caron@cabotcorp.com</u>>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Gerry,

Thank you for your response. Yes, I agree that email would be the best way to correspond. I do check my voicemail frequently, but email is best.

I've attached a document that we have in our files indicating a nexus between Cabot Corp. and the Fansteel Metals site. I hope you find the document helpful.

Please let me know if you need anything else or have additional questions.

Thanks

-Lance Nixon

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Tuesday, February 2, 2021 3:15 PM **To:** Nixon, Lance < Nixon, Lance@epa.gov>

Subject: FW: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. I left you a voicemail a few minutes ago introducing myself on behalf of Cabot Corp. I realize with Covid and so many folks working remotely that email may be a better choice than voicemail!

Could you please email to me any documents that EPA has in its file indicating a nexus between Cabot Corp. and the Fansteel Metals site? This will help us conduct an internal review and inquiry regarding the site and any potential connections with Cabot Corp.

Please let me know if you have any questions. Also, if you would like to call me, by cell number is 617-515-4529.

Thanks,

**Gerry Caron** 

From: Nixon, Lance <Nixon.Lance@epa.gov>
Sent: Monday, February 1, 2021 3:23 PM
To: Karen Kalita <Karen.Kalita@cabotcorp.com>
Cc: Pletan, Elizabeth <Pletan.Elizabeth@epa.gov>

Subject: [EXTERNAL] Fansteel Metals 104(e) Information Request

Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mailto:nixon.lance@epa.gov">nixon.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or <a href="mailto:Pletan.elizabeth@epa.gov">Pletan.elizabeth@epa.gov</a>.

Thank You.

## Lance Nixon

Enforcement Officer U.S. Environmental Protection Agency Superfund and Emergency Management Division Assessment and Enforcement Branch 214-665-2203

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From: Webster, Susan [webster.susan@epa.gov]

**Sent**: 2/4/2021 9:40:28 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

CC: Johnson, Lydia [johnson.lydia@epa.gov]; Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Clarke, Angienell

[Clarke.Angienell@epa.gov]

**Subject**: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

I approve per a discussion with Lydia. Tx u. susan

## Susan D. Webster, Chief

Assessment and Enforcement Branch (SEDA)

U.S. Environmental Protection Agency, Region 6

1445 Ross Avenue Dallas, Texas 75202 Office: 214.665.6784 Cell: 214.789.2667 webster.susan@epa.gov

From: Nixon, Lance <Nixon.Lance@epa.gov> Sent: Thursday, February 04, 2021 3:05 PM To: Webster, Susan <webster.susan@epa.gov>

Cc: Johnson, Lydia <johnson.lydia@epa.gov>; Pletan, Elizabeth <Pletan.Elizabeth@epa.gov>; Clarke, Angienell

<Clarke.Angienell@epa.gov>

Subject: FW: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Susan,

Cabot Corporation, a recipient of a 104e for Fansteel, has requested a 30 day extension to respond to the request. Your approval of this request will make the response do April 5, 2021. If you approve, I will draft an extension letter for your signature.

Thanks -Lance

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Thursday, February 4, 2021 2:43 PM **To:** Nixon, Lance <Nixon, Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

**Subject:** RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. It appears to me that it will take us additional time beyond the 30 days to conduct internal record checks, etc. to respond properly to EPA's information request, particularly given how far back in time the request and information relate to. I would like to request an additional 30 days for Cabot to respond to EPA's request. Can you please confirm if such an extension is acceptable to the agency?

Thanks, Gerry

From: Nixon, Lance < Nixon.Lance@epa.gov>
Sent: Wednesday, February 3, 2021 11:26 AM

To: Gerry Caron <gerry.caron@cabotcorp.com>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Gerry,

Thank you for your response. Yes, I agree that email would be the best way to correspond. I do check my voicemail frequently, but email is best.

I've attached a document that we have in our files indicating a nexus between Cabot Corp. and the Fansteel Metals site. I hope you find the document helpful.

Please let me know if you need anything else or have additional questions.

**Thanks** 

-Lance Nixon

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Tuesday, February 2, 2021 3:15 PM **To:** Nixon, Lance < Nixon. Lance @epa.gov>

**Subject:** FW: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. I left you a voicemail a few minutes ago introducing myself on behalf of Cabot Corp. I realize with Covid and so many folks working remotely that email may be a better choice than voicemail!

Could you please email to me any documents that EPA has in its file indicating a nexus between Cabot Corp. and the Fansteel Metals site? This will help us conduct an internal review and inquiry regarding the site and any potential connections with Cabot Corp.

Please let me know if you have any questions. Also, if you would like to call me, by cell number is 617-515-4529.

Thanks,

Gerry Caron

From: Nixon, Lance < Nixon.Lance@epa.gov >
Sent: Monday, February 1, 2021 3:23 PM
To: Karen Kalita < Karen.Kalita@cabotcorp.com >
Cc: Pletan, Elizabeth < Pletan.Elizabeth@epa.gov >

Subject: [EXTERNAL] Fansteel Metals 104(e) Information Request

Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mixen:nixengenges.com/nixen.lance@epa.gov">nixen.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or <a href="mixen:please-nixenges.com/pletan.elizabeth@epa.gov">please-nixenges.com/pletan.elizabeth@epa.gov</a>.

Thank You.

# Lance Nixon

Enforcement Officer
U.S. Environmental Protection Agency
Superfund and Emergency Management Division
Assessment and Enforcement Branch
214-665-2203

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From: Gerry Caron [gerry.caron@cabotcorp.com]

**Sent**: 2/4/2021 8:42:41 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

CC: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. It appears to me that it will take us additional time beyond the 30 days to conduct internal record checks, etc. to respond properly to EPA's information request, particularly given how far back in time the request and information relate to. I would like to request an additional 30 days for Cabot to respond to EPA's request. Can you please confirm if such an extension is acceptable to the agency?

Thanks, Gerry

From: Nixon, Lance <Nixon.Lance@epa.gov>
Sent: Wednesday, February 3, 2021 11:26 AM
To: Gerry Caron <gerry.caron@cabotcorp.com>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Gerry,

Thank you for your response. Yes, I agree that email would be the best way to correspond. I do check my voicemail frequently, but email is best.

I've attached a document that we have in our files indicating a nexus between Cabot Corp. and the Fansteel Metals site. I hope you find the document helpful.

Please let me know if you need anything else or have additional questions.

Thanks

-Lance Nixon

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Tuesday, February 2, 2021 3:15 PM **To:** Nixon, Lance < Nixon. Lance@epa.gov>

Subject: FW: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. I left you a voicemail a few minutes ago introducing myself on behalf of Cabot Corp. I realize with Covid and so many folks working remotely that email may be a better choice than voicemail!

Could you please email to me any documents that EPA has in its file indicating a nexus between Cabot Corp. and the Fansteel Metals site? This will help us conduct an internal review and inquiry regarding the site and any potential connections with Cabot Corp.

Please let me know if you have any questions. Also, if you would like to call me, by cell number is 617-515-4529.

Thanks,

Gerry Caron

From: Nixon, Lance < Nixon.Lance@epa.gov > Sent: Monday, February 1, 2021 3:23 PM

To: Karen Kalita < Karen. Kalita@cabotcorp.com > Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov >

Subject: [EXTERNAL] Fansteel Metals 104(e) Information Request

Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mailto:nixon.lance@epa.gov">nixon.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or <a href="mailto:please-tizabeth@epa.gov">please-tizabeth@epa.gov</a>.

Thank You.

# Lance Nixon

Enforcement Officer
U.S. Environmental Protection Agency
Superfund and Emergency Management Division
Assessment and Enforcement Branch
214-665-2203

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From: Tina Chiappetta - LR [christina.chiappetta@gsa.gov]

**Sent**: 2/25/2021 10:18:41 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]; Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

CC: Katharine Healy - LR [katharine.healy@gsa.gov]

Subject: Section 104e Request: Fansteel

Attachments: Fansteel Response .pdf; ExhibitA.pressrelease.pdf; ExhibitB.depotlist.pdf; ExhibitC.Determinations.pdf;

ExhibitD.recordstransfer.pdf

Good afternoon,

Attached is GSA's response to your request for information relating to Fansteel Metals.

Please let us know if you have questions.

Thanks,

Tina Chiappetta
Real Property Division
Office of General Counsel
General Services Administration
1800 F Street NW, Room 2019
Washington, DC 20405

Tel.: 202 969 4102 Cell: 202 258 8626

## CONFIDENTIALITY NOTICE:

This e-mail message and any attachments to this e-mail message may contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity to whom it is addressed. Please do not forward this message without permission. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify me immediately by telephone or return e-mail and delete and destroy the original e-mail message, any attachments thereto and all copies thereof.

From: Reed, Weslynn (WP) [WPReed@dow.com]

**Sent**: 2/24/2021 11:55:36 PM

To: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

CC: Nixon, Lance [Nixon.Lance@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

**Subject**: RE: 104(e) Fansteel Metals Facility

Thank you, Elizabeth. I appreciate the extension and look forward to reviewing the records. Best regards,

Wes

## Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company

2211 H.H. Dow Way, Midland, MI 48674

Office: 989,496,1167 Cell: 989,423,5564 Email: <u>wpreed@dow.com</u>

**From:** Pletan, Elizabeth <Pletan.Elizabeth@epa.gov> **Sent:** Wednesday, February 24, 2021 4:34 PM **To:** Reed, Weslynn (WP) <WPReed@dow.com>

Cc: Nixon, Lance <Nixon.Lance@epa.gov>; Clarke, Angienell <Clarke.Angienell@epa.gov>

Subject: RE: 104(e) Fansteel Metals Facility

Hello Weslylnn,

Thank you again for your patience! This email serves as an extension of time for Union Carbide/Dow to reply to EPA's 104(e) information request. Based on the date you received the request, February 12, 2021, the new due date is April 13, 2021. We will also provide you with a written extension signed by my client.

We are still working on preparing some records to send to you; I'm hoping to provide them by the end of this week. The records show a "conversion" contract relationship between Union Carbide and Fansteel in the late 60's/early 70's pursuant to which Union Carbide provided raw material (tin slag) to Fansteel and Fansteel returned tantalum to Union Carbide.

Sincerely, Elizabeth

From: Reed, Weslynn (WP) < WPReed@dow.com>

Sent: Friday, February 19, 2021 9:18 AM

**To:** Pletan, Elizabeth < <u>Pletan.Elizabeth@epa.gov</u>> **Subject:** RE: 104(e) Fansteel Metals Facility

Thank you, Elizabeth. There is no rush on our end. Stay safe and warm!

Wes

## Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company

2211 H.H. Dow Way, Midland, MI 48674

Office: 989,496,1167 Cell: 989,423,5564 Email: wpreed@dow.com

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

**Sent:** Thursday, February 18, 2021 4:07 PM **To:** Reed, Weslynn (WP) < <u>WPReed@dow.com</u>> **Subject:** RE: 104(e) Fansteel Metals Facility

Hello Ms. Reed,

My apologies for missing your call earlier! We usually have no problem granting extensions but I'll need to confirm with my clients so we can get you the extension in writing. We will also provide you with nexus information. Unfortunately the severe weather here in Dallas has impacted our operations so it may take us a few days to provide you with that information. We appreciate you contacting us and your patience!

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, re-transmit, disseminate or otherwise use the information. Thank you.

From: Reed, Weslynn (WP) < <u>WPReed@dow.com</u>>
Sent: Thursday, February 18, 2021 2:12 PM
To: Pletan, Elizabeth < <u>Pletan, Elizabeth@epa,gov</u>>

Subject: 104(e) Fansteel Metals Facility

Hello Ms. Pletan,

I'm writing to follow up on a voicemail I left you today regarding the 104(e) Request for Information received by Union Carbide Corporation on February 12 regarding the Fansteel Metals Facility in Muskogee, Oklahoma. Would EPA be amenable to a 60 day deadline extension for Union Carbide's Response? The company needs additional time to search for and review any archived records, which is especially difficult to coordinate during the pandemic.

Also, if you have them, would you please provide any nexus documents for Union Carbide at the site? Thank you,

### Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company 2211 H.H. Dow Way, Midland, MI 48674

Office: 989,496,1167 Cell: 989,423,5564 Email: <u>wpreed@dow.com</u>



From: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

**Sent**: 2/24/2021 9:33:59 PM

To: Reed, Weslynn (WP) [WPReed@dow.com]

CC: Nixon, Lance [Nixon.Lance@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: RE: 104(e) Fansteel Metals Facility

Hello Weslylnn,

Thank you again for your patience! This email serves as an extension of time for Union Carbide/Dow to reply to EPA's 104(e) information request. Based on the date you received the request, February 12, 2021, the new due date is April 13, 2021. We will also provide you with a written extension signed by my client.

We are still working on preparing some records to send to you; I'm hoping to provide them by the end of this week. The records show a "conversion" contract relationship between Union Carbide and Fansteel in the late 60's/early 70's pursuant to which Union Carbide provided raw material (tin slag) to Fansteel and Fansteel returned tantalum to Union Carbide.

Sincerely, Elizabeth

From: Reed, Weslynn (WP) < WPReed@dow.com>

Sent: Friday, February 19, 2021 9:18 AM

**To:** Pletan, Elizabeth <Pletan.Elizabeth@epa.gov> **Subject:** RE: 104(e) Fansteel Metals Facility

Thank you, Elizabeth. There is no rush on our end. Stay safe and warm!

Wes

## Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company 2211 H.H. Dow Way, Midland, MI 48674

Office: 989,496,1167 Cell: 989,423,5564 Email: wpreed@dow.com

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Sent: Thursday, February 18, 2021 4:07 PM

To: Reed, Weslynn (WP) < <u>WPReed@dow.com</u>>

Subject: RE: 104(e) Fansteel Metals Facility

Hello Ms. Reed,

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Sincerely,

#### Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

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From: Reed, Weslynn (WP) < <u>WPReed@dow.com</u>>
Sent: Thursday, February 18, 2021 2:12 PM
To: Pletan, Elizabeth < <u>Pletan.Elizabeth@epa.gov</u>>

Subject: 104(e) Fansteel Metals Facility

#### Hello Ms. Pletan,

I'm writing to follow up on a voicemail I left you today regarding the 104(e) Request for Information received by Union Carbide Corporation on February 12 regarding the Fansteel Metals Facility in Muskogee, Oklahoma. Would EPA be amenable to a 60 day deadline extension for Union Carbide's Response? The company needs additional time to search for and review any archived records, which is especially difficult to coordinate during the pandemic.

Also, if you have them, would you please provide any nexus documents for Union Carbide at the site? Thank you,

## Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company 2211 H.H. Dow Way, Midland, MI 48674 Office: 989.496.1167

Cell: 989.423.5564 Email: wpreed@dow.com



From: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

**Sent**: 2/24/2021 4:17:30 PM

To: Steger, Mark J. [msteger@clarkhill.com]; Gladstein, Richard (ENRD) [Richard.Gladstein@usdoj.gov]; Averbach,

Andrew [Andrew.Averbach@nrc.gov]; England, Christina [Christina.England@nrc.gov]; Pam Dizikes

[Pam.Dizikes@deq.ok.gov]

CC: Nixon, Lance [Nixon.Lance@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: CERCLA 104(e) letter

Attachments: 2021 02 01 Cabot 104e.pdf; 2021 02 01 Fansteel Metals 104(e) Information Request email Cabot.pdf

Hello all,

Per your request during our February 19 call, I have attached an example of the 104(e) information requests that EPA R6 sent out on February 1, 2021. Attachment 4 includes a list of recipients.

Thank you, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

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## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270

January 22, 2021

# CERCLA 104(e) INFORMATION REQUEST URGENT LEGAL MATTER: PROMPT REPLY REQUESTED VIA ELECTRONIC MAIL

Cabot Corporation
Sean D. Keohane, President and CEO
Two Seaport Lane, Suite 1300
Boston, Massachusetts 02210
karen.kalita@cabotcorp.com

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

## Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Cabot Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Enclosure 3 for specific questions that reduire your response to this Information Request the Information Reduest Please refer to Enclosure 2 for important instructions and definitions and please Provide a written response to Mr. Lance Nixon' Enforcement Officer' at the address included in

(214) 665-8525. Thank you for your attention to this matter. Questions concerning this letter' please have your legal counsel contact Ms. Elizabeth Pletan' at If you have any questions regarding this letter' contact Mr. Lance Nixon at (214) 665-2203. For legal

Sincerely yours'

SUSAN WEBSTER Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=SUSAN WEBSTER,
0.9.2342.19200380.100.1.1=68001003655400
Date: 2021.01.22.15.27.43-06'00'

SuPerfund Division Assessment & Enforcement Branch (SEDA) Susan D' Webster' Chief

Enclosures (4)

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at <a href="mailto:nixon.lance@.epa.gov">nixon.lance@.epa.gov</a>. Please provide your response <a href="mailto:within 30 calendar days">within 30 calendar days</a> of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at <a href="mailto:please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-please-to-pleas

## **BACKGROUND INFORMATION**

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as "source material" by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel's decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

# **INSTRUCTIONS and DEFINITIONS**

- 1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
- 2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
- 3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, *you must supplement* your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
- 4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
- 5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
- 6. <u>Personal Privacy Information.</u> Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
- 7. <u>Objections to questions</u>. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

- 1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 2. The term "any", as in "any documents" for example, shall mean "any and all."
- 3. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
- 5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.
- 6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(e) Information Request - Enclosure 2

- 7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
- 8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
- 9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.
- 10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
- 11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 12. The term "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 13. The term "Documents" includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent's possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.
- 14. The term "Environment" shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- 15. The term "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

- 16. The term "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
- 17. The term "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
- 18. The term "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- 19. The term "Respondent" shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent's plants or facilities. [Additional language for small business: The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].
- 20. The term "Treatment" and "Treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
- 21. The term "TSCA" shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.
- 22. The term "Waste" or "Wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
- 23. The term "Waste Carriers" shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.
- 24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Fansteel Metals Superfund Site, Muskogee, Oklahoma 104(E) Information Request - Enclosure 2

#### **ENCLOSURE 3**

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## **QUESTIONS**

- 1. Please provide the full legal name, mailing address, and phone number of the Respondent.
- 2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.
- 3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.
- 4. Please explain the business relationship between Respondent and Fansteel Metals.
- 5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:
  - a. The type and purpose of the transaction;
  - b. A description of the materials involved, including their quantity and chemical content and characteristics;
  - c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
  - d. Any amounts paid by or to Respondent in connection with each transaction;
  - e. The date of each transaction;
  - f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
  - g. The name(s) and address(es) of any entities providing transportation services for such materials:
  - h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
  - i. if ownership of material changed at any point as a result of the transaction.

- 6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
  - a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
  - b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
  - c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
  - d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
  - e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
  - f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
  - g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
  - h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

#### **ENCLOSURE 4**

# FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

## PARTIES RECEIVING THIS LETTER

Amalgamet, Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane, Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

#### **General Services Administration (GSA):**

Kris Durmer General Counsel Office of General Counsel 1800 F Street N.W., Floor 2 Washington, D.C. 20405

> Catherine Crow (<u>Catherine.crow@gsa.gov</u>) Attorney

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808

From: Nixon, Lance

To: <u>karen.kalita@cabotcorp.com</u>

Cc: <u>Pletan, Elizabeth</u>

Subject: Fansteel Metals 104(e) Information Request

Date: Monday, February 01, 2021 2:22:49 PM

Attachments: Fansteel Cabot Corporation 104e for email.pdf

#### Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mailto:nixon.lance@epa.gov">nixon.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or <a href="mailto:Pletan.elizabeth@epa.gov">Pletan.elizabeth@epa.gov</a>.

Thank You.

## Lance Nixon

Enforcement Officer
U.S. Environmental Protection Agency
Superfund and Emergency Management Division
Assessment and Enforcement Branch
214-665-2203

From: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

**Sent**: 2/22/2021 8:24:03 PM

**To**: Chintan Amin [chintan.amin@bayer.com]

CC: Nixon, Lance [Nixon.Lance@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

**Subject**: RE: Fansteel Site - HC Starck 104(e) Request

Hi Chintan,

Thank you for checking in! You're right, we are still working on this question, and we appreciate you being cognizant of possible deadlines. I'll let you know as soon as possible what we find out and we'll keep in mind you may need an extension.

Thank you again, Elizabeth

From: Chintan Amin <chintan.amin@bayer.com> Sent: Monday, February 22, 2021 9:59 AM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Cc: Nixon, Lance < Nixon.Lance@epa.gov>; Clarke, Angienell < Clarke.Angienell@epa.gov>

Subject: Fansteel Site - HC Starck 104(e) Request

Hello Elizabeth,

I hope you were able to stay safe and warm last week and have your utilities back.

I am sure your review has been affected by the weather, so I am only writing to ensure that we do not miss any deadlines. As we discussed on the phone, HC Starck was an independent subsidiary of Bayer Corporation that was sold over a decade ago. If EPA determines it is directing the 104(e) request to Bayer Corporation, I may need to pull boxes from long term storage to review. In such a case, Bayer would be seeking an extension of the deadline in your original 104(e) request.

Best regards.

## Chintan Amin

Sr Asst General Counsel

Head of Real Estate and HSE Law – Health Care and Platform
(Admitted in Penn. and Ga., Admission in N.J. Pending)

I'm an ally

*III* 

Bayer U.S. LLC 100 Bayer Blvd Whippany, New Jersey 07981 United States

Tel: +1 412 777-2715 Mobile: +1 412 539-5518

E-mail: chintan.amin@bayer.com Web: http://www.bayer.us

----Original Appointment----

From: Chintan Amin

Sent: Tuesday, February 9, 2021 4:24 PM To: Chintan Amin; 'Pletan, Elizabeth' Cc: Nixon, Lance; Clarke, Angienell

Subject: Superfund Enforcement Assessment Section SEDAE US EPA

When: Friday, February 12, 2021 10:00 AM-10:30 AM (UTC-05:00) Eastern Time (US & Canada).

Where: Microsoft Teams Meeting

Thanks for getting back to me. Hopefully this time on Friday still works. I think my questions are primarily legal in nature, but it may be helpful to have one of the project managers on because it may help me understand how the entities addressed in the letter were named.

## Microsoft Teams meeting

## Join on your computer or mobile app

Click here to join the meeting

## Join with a video conferencing device

teams@pex-a.video.bayer.biz
Video Conference ID: 123 910 307 7
Alternate VTC dialing instructions

## Or call in (audio only)

<u>+1 213-458-8486,,536909948#</u> United States, Los Angeles

Phone Conference ID: 536 909 948#

Find a local number | Reset PIN

Learn More | Meeting options

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

**Sent:** Tuesday, February 9, 2021 3:50 PM

To: Chintan Amin <chintan.amin@bayer.com>

Cc: Nixon, Lance <Nixon.Lance@epa.gov>; Clarke, Angienell <Clarke.Angienell@epa.gov>

Subject: RE: Superfund Enforcement Assessment Section SEDAE US EPA

Dear Mr. Amin,

My apologies for missing your call earlier! I would be happy to set up a call to discuss the information request. I have cc'ed our Enforcement Officers Lance Nixon and and Anginell Clark—it may be helpful to have them on the call. So far we have availability this Friday February 12 anytime except for 1:00 PM to 2:00 PM, Tuesday February 16 after 2:00 PM Central and Wednesday February 17 after 12:00 PM Central. My Thursday and Friday next week are currently blocked off but should open up in the next couple of days. Please let me know if any of those times will work for you and I will set up a Teams meeting.

Sincerely, Elizabeth Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, re-transmit, disseminate or otherwise use the information. Thank you.

From: Chintan Amin < <a href="mailto:chintan.amin@bayer.com">chintan.amin@bayer.com</a> Sent: Tuesday, February 09, 2021 2:08 PM
To: Pletan, Elizabeth@epa.gov>

Subject: FW: Superfund Enforcement Assessment Section SEDAE US EPA

Dear Ms. Pletan,

I left a message regarding the attached Section 104(e) letter for your earlier today but with everybody being remote, I'm not sure if you've seen it. When you have a moment, would you let me know when you are available for a call to discuss? I would like to clarify the organization to whom it is addressed. Thank you.

Best regards,

## Chintan Amin

Sr Asst General Counsel
Head of Real Estate and HSE Law – Health Care and Platform
(Admitted in Penn. and Ga., Admission in N.J. Pending)

I'm an ally

*III* 

Bayer U.S. LLC 100 Bayer Blvd Whippany, New Jersey 07981 United States

Tel: +1 412 777-2715 Mobile: +1 412 539-5518

E-mail: <a href="mailto:chintan.amin@bayer.com">chintan.amin@bayer.com</a>
Web: <a href="mailto:http://www.bayer.us">http://www.bayer.us</a>

From: Christine Thomas < <a href="mailto:christine.thomas@bayer.com">christine.thomas@bayer.com</a>>

**Sent:** Tuesday, February 9, 2021 10:43 AM **To:** Chintan Amin <chintan.amin@bayer.com>

Subject: FW: Superfund Enforcement Assessment Section SEDAE US EPA

Here you Chintan.

Thanks, Christine

From: Nancy Hynson < nancy.hynson.ext@bayer.com >

Sent: Tuesday, February 9, 2021 10:41 AM

To: Christine Thomas < <a href="mailto:christine.thomas@bayer.com">christine.thomas@bayer.com</a> Subject: FW: Superfund Enforcement Assessment Section SEDAE US EPA
Hi Christine,
Here you go.
Nancy
The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.
The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

From: Chintan Amin [chintan.amin@bayer.com]

**Sent**: 2/22/2021 3:59:15 PM

**To**: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

CC: Nixon, Lance [Nixon.Lance@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: Fansteel Site - HC Starck 104(e) Request

#### Hello Elizabeth,

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I am sure your review has been affected by the weather, so I am only writing to ensure that we do not miss any deadlines. As we discussed on the phone, HC Starck was an independent subsidiary of Bayer Corporation that was sold over a decade ago. If EPA determines it is directing the 104(e) request to Bayer Corporation, I may need to pull boxes from long term storage to review. In such a case, Bayer would be seeking an extension of the deadline in your original 104(e) request.

Best regards,

## Chintan Amin

Sr Asst General Counsel
Head of Real Estate and HSE Law – Health Care and Platform
(Admitted in Penn. and Ga., Admission in N.J. Pending)

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*III* 

Bayer U.S. LLC 100 Bayer Blvd Whippany, New Jersey 07981 United States

Tel: +1 412 777-2715 Mobile: +1 412 539-5518

E-mail: chintan.amin@bayer.com Web: http://www.bayer.us

----Original Appointment-----

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teams@pex-a.video.bayer.biz

Video Conference ID: 123 910 307 7 Alternate VTC dialing instructions

## Or call in (audio only)

+1 213-458-8486,,536909948# United States, Los Angeles

Phone Conference ID: 536 909 948#

Find a local number | Reset PIN

Learn More | Meeting options

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

**Sent:** Tuesday, February 9, 2021 3:50 PM **To:** Chintan Amin <chintan.amin@bayer.com>

Cc: Nixon, Lance < Nixon.Lance@epa.gov>; Clarke, Angienell < Clarke.Angienell@epa.gov>

Subject: RE: Superfund Enforcement Assessment Section SEDAE US EPA

Dear Mr. Amin,

My apologies for missing your call earlier! I would be happy to set up a call to discuss the information request. I have cc'ed our Enforcement Officers Lance Nixon and Anginell Clark—it may be helpful to have them on the call. So far we have availability this Friday February 12 anytime except for 1:00 PM to 2:00 PM, Tuesday February 16 after 2:00 PM Central and Wednesday February 17 after 12:00 PM Central. My Thursday and Friday next week are currently blocked off but should open up in the next couple of days. Please let me know if any of those times will work for you and I will set up a Teams meeting.

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

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From: Chintan Amin <<u>chintan.amin@bayer.com</u>>
Sent: Tuesday, February 09, 2021 2:08 PM

To: Pletan, Elizabeth < Pletan, Elizabeth@epa.gov>

Subject: FW: Superfund Enforcement Assessment Section SEDAE US EPA

Dear Ms. Pletan,

I left a message regarding the attached Section 104(e) letter for your earlier today but with everybody being remote, I'm not sure if you've seen it. When you have a moment, would you let me know when you are available for a call to discuss? I would like to clarify the organization to whom it is addressed. Thank you.

Best regards,

## Chintan Amin

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Head of Real Estate and HSE Law – Health Care and Platform
(Admitted in Penn. and Ga., Admission in N.J. Pending)

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Tel: +1 412 777-2715 Mobile: +1 412 539-5518

E-mail: <a href="mailto:chintan.amin@bayer.com">chintan.amin@bayer.com</a>
Web: <a href="mailto:http://www.bayer.us">http://www.bayer.us</a>

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**Sent:** Tuesday, February 9, 2021 10:43 AM **To:** Chintan Amin <<u>chintan.amin@bayer.com</u>>

Subject: FW: Superfund Enforcement Assessment Section SEDAE US EPA

Here you Chintan.

Thanks, Christine

From: Nancy Hynson <nancy.hynson.ext@bayer.com>

Sent: Tuesday, February 9, 2021 10:41 AM

To: Christine Thomas < christine.thomas@bayer.com>

Subject: FW: Superfund Enforcement Assessment Section SEDAE US EPA

Hi Christine,

Here you go.

Nancy

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally
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From: Clarke, Angienell [Clarke.Angienell@epa.gov]

**Sent**: 2/19/2021 8:31:49 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]
Subject: RE: 104(e) Fansteel Metals Facility

Can I use the extension approval letter that you recently used for Cabot?

From: Nixon, Lance <Nixon.Lance@epa.gov> Sent: Friday, February 19, 2021 2:20 PM

To: Pletan, Elizabeth <Pletan. Elizabeth@epa.gov>; Clarke, Angienell <Clarke. Angienell@epa.gov>

Subject: RE: 104(e) Fansteel Metals Facility

HI Elizabeth,

Susan has approved the extension, however a partial response should be submitted by the 30 day mark (April 13) with the final response due at the end of the 60 day extension (May 13). I'll draft up a letter for Susan's signature with the new due dates.

Angie,

Would you like to draft up the extension approval letter?

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Sent: Thursday, February 18, 2021 3:08 PM

To: Nixon, Lance <Nixon.Lance@epa.gov>; Clarke, Angienell <Clarke.Angienell@epa.gov>

Subject: FW: 104(e) Fansteel Metals Facility

Hi Lance and Angienell, I heard from Dow, and they are asking for an extension as well as nexus information.

Thank you! Elizabeth

From: Pletan, Elizabeth

Sent: Thursday, February 18, 2021 3:07 PM
To: 'Reed, Weslynn (WP)' < <u>WPReed@dow.com</u>>
Subject: RE: 104(e) Fansteel Metals Facility

Hello Ms. Reed,

My apologies for missing your call earlier! We usually have no problem granting extensions but I'll need to confirm with my clients so we can get you the extension in writing. We will also provide you with nexus information. Unfortunately the severe weather here in Dallas has impacted our operations so it may take us a few days to provide you with that information. We appreciate you contacting us and your patience!

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525 NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, re-transmit, disseminate or otherwise use the information. Thank you.

From: Reed, Weslynn (WP) < <u>WPReed@dow.com</u>>
Sent: Thursday, February 18, 2021 2:12 PM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: 104(e) Fansteel Metals Facility

Hello Ms. Pletan,

I'm writing to follow up on a voicemail I left you today regarding the 104(e) Request for Information received by Union Carbide Corporation on February 12 regarding the Fansteel Metals Facility in Muskogee, Oklahoma. Would EPA be amenable to a 60 day deadline extension for Union Carbide's Response? The company needs additional time to search for and review any archived records, which is especially difficult to coordinate during the pandemic.

Also, if you have them, would you please provide any nexus documents for Union Carbide at the site? Thank you,

#### Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company 2211 H.H. Dow Way, Midland, MI 48674

Office: 989.496,1167 Cell: 989.423,5564 Email: wpreed@dow.com



From: Clarke, Angienell [Clarke.Angienell@epa.gov]

**Sent**: 2/19/2021 8:21:53 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]
Subject: RE: 104(e) Fansteel Metals Facility

Sure. I can draft the extension approval letter.

From: Nixon, Lance <Nixon.Lance@epa.gov> Sent: Friday, February 19, 2021 2:20 PM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: RE: 104(e) Fansteel Metals Facility

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Subject: FW: 104(e) Fansteel Metals Facility

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Thank you! Elizabeth

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Subject: RE: 104(e) Fansteel Metals Facility

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Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525 NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, re-transmit, disseminate or otherwise use the information. Thank you.

From: Reed, Weslynn (WP) < <u>WPReed@dow.com</u>>
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To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: 104(e) Fansteel Metals Facility

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Also, if you have them, would you please provide any nexus documents for Union Carbide at the site? Thank you,

#### Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company
2211 H.H. Dow Way, Midland, MI 48674

Office: 989.496,1167 Cell: 989.423,5564 Email: wpreed@dow.com



From: Webster, Susan [webster.susan@epa.gov]

**Sent**: 2/19/2021 6:27:55 PM

To: Johnson, Lydia [johnson.lydia@epa.gov]; Nixon, Lance [Nixon.Lance@epa.gov]

Subject: RE: 104(e) Fansteel Metals Facility- Extension Request

Thank you both, susan

## Susan D. Webster, Chief

Assessment and Enforcement Branch (SEDA)

U.S. Environmental Protection Agency, Region 6

1445 Ross Avenue Dallas, Texas 75202 Office: 214.665.6784 Cell: 214.789.2667 webster.susan@epa.gov

From: Johnson, Lydia <johnson.lydia@epa.gov> Sent: Friday, February 19, 2021 11:35 AM

To: Nixon, Lance < Nixon. Lance@epa.gov>; Webster, Susan < webster.susan@epa.gov>

Subject: RE: 104(e) Fansteel Metals Facility- Extension Request

Hi Lance,

I just discussed the extension with Susan and she's ok with 60 day extension but Dow needs to provide a partial response in 30 days and complete their response in 60 days.

From: Nixon, Lance <Nixon.Lance@epa.gov>
Sent: Friday, February 19, 2021 10:19 AM
To: Webster, Susan <webster.susan@epa.gov>
Cc: Johnson, Lydia <johnson.lydia@epa.gov>

Subject: FW: 104(e) Fansteel Metals Facility- Extension Request

Hi Susan,

Dow Chemical (Union Carbide) has request a 60 day extension to respond to the 104(e) for Fansteel. Their request is in the email chain below.

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Sent: Thursday, February 18, 2021 3:08 PM

To: Nixon, Lance < Nixon. Lance@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: FW: 104(e) Fansteel Metals Facility

Hi Lance and Angienell, I heard from Dow, and they are asking for an extension as well as nexus information.

Thank you! Elizabeth

From: Pletan, Elizabeth

Sent: Thursday, February 18, 2021 3:07 PM

To: 'Reed, Weslynn (WP)' < <u>WPReed@dow.com</u>>
Subject: RE: 104(e) Fansteel Metals Facility

Hello Ms. Reed,

My apologies for missing your call earlier! We usually have no problem granting extensions but I'll need to confirm with my clients so we can get you the extension in writing. We will also provide you with nexus information. Unfortunately the severe weather here in Dallas has impacted our operations so it may take us a few days to provide you with that information. We appreciate you contacting us and your patience!

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

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From: Reed, Weslynn (WP) < <u>WPReed@dow.com</u>>
Sent: Thursday, February 18, 2021 2:12 PM
To: Pletan, Elizabeth < <u>Pletan, Elizabeth@epa,gov</u>>

Subject: 104(e) Fansteel Metals Facility

Hello Ms. Pletan,

I'm writing to follow up on a voicemail I left you today regarding the 104(e) Request for Information received by Union Carbide Corporation on February 12 regarding the Fansteel Metals Facility in Muskogee, Oklahoma. Would EPA be amenable to a 60 day deadline extension for Union Carbide's Response? The company needs additional time to search for and review any archived records, which is especially difficult to coordinate during the pandemic.

Also, if you have them, would you please provide any nexus documents for Union Carbide at the site? Thank you,

#### Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company 2211 H.H. Dow Way, Midland, MI 48674 Office: 989,496,1167

Cell: 989,423,5564 Email: <u>wpreed@dow.com</u>



From: Webster, Susan [webster.susan@epa.gov]

**Sent**: 2/19/2021 4:33:51 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

Subject: Re: 104(e) Fansteel Metals Facility- Extension Request

Let's discuss at 11 am. To

Sent from my iPhone

On Feb 19, 2021, at 10:19 AM, Nixon, Lance < Nixon. Lance@epa.gov> wrote:

Hi Susan,

Dow Chemical (Union Carbide) has request a 60 day extension to respond to the 104(e) for Fansteel. Their request is in the email chain below.

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Sent: Thursday, February 18, 2021 3:08 PM

To: Nixon, Lance <Nixon.Lance@epa.gov>; Clarke, Angienell <Clarke.Angienell@epa.gov>

Subject: FW: 104(e) Fansteel Metals Facility

Hi Lance and Angienell, I heard from Dow, and they are asking for an extension as well as nexus information.

Thank you! Elizabeth

From: Pletan, Elizabeth

Sent: Thursday, February 18, 2021 3:07 PM
To: 'Reed, Weslynn (WP)' < <u>WPReed@dow.com</u>>
Subject: RE: 104(e) Fansteel Metals Facility

Hello Ms. Reed,

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From: Reed, Weslynn (WP) < <u>WPReed@dow.com</u>>
Sent: Thursday, February 18, 2021 2:12 PM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: 104(e) Fansteel Metals Facility

Hello Ms. Pletan,

I'm writing to follow up on a voicemail I left you today regarding the 104(e) Request for Information received by Union Carbide Corporation on February 12 regarding the Fansteel Metals Facility in Muskogee, Oklahoma. Would EPA be amenable to a 60 day deadline extension for Union Carbide's Response? The company needs additional time to search for and review any archived records, which is especially difficult to coordinate during the pandemic.

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#### Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company 2211 H.H. Dow Way, Midland, Mi 48674 Office: 989.496.1167

Omce, 503,430,1107 Cell: 989,423,5564 Email: <u>wpreed@dow.com</u>



From: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

**Sent**: 2/18/2021 9:07:55 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: FW: 104(e) Fansteel Metals Facility

Hi Lance and Angienell, I heard from Dow, and they are asking for an extension as well as nexus information.

Thank you! Elizabeth

From: Pletan, Elizabeth

Sent: Thursday, February 18, 2021 3:07 PM
To: 'Reed, Weslynn (WP)' < WPReed@dow.com>
Subject: RE: 104(e) Fansteel Metals Facility

Hello Ms. Reed,

My apologies for missing your call earlier! We usually have no problem granting extensions but I'll need to confirm with my clients so we can get you the extension in writing. We will also provide you with nexus information. Unfortunately the severe weather here in Dallas has impacted our operations so it may take us a few days to provide you with that information. We appreciate you contacting us and your patience!

Sincerely, Elizabeth

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From: Reed, Weslynn (WP) < <u>WPReed@dow.com</u>>
Sent: Thursday, February 18, 2021 2:12 PM
To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: 104(e) Fansteel Metals Facility

Hello Ms. Pletan,

I'm writing to follow up on a voicemail I left you today regarding the 104(e) Request for Information received by Union Carbide Corporation on February 12 regarding the Fansteel Metals Facility in Muskogee, Oklahoma. Would EPA be amenable to a 60 day deadline extension for Union Carbide's Response? The company needs additional time to search for and review any archived records, which is especially difficult to coordinate during the pandemic.

Also, if you have them, would you please provide any nexus documents for Union Carbide at the site? Thank you,

## Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company

2211 H.H. Dow Way, Midland, MI 48674

Office: 989.496.1167 Cell: 989.423.5564 Email: <u>wpreed@dow.com</u>





WORLDWIDE PARTNER

From: Gerry Caron [gerry.caron@cabotcorp.com]

**Sent**: 2/3/2021 4:35:11 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

**Subject**: RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Thanks Lance. I will review and confirm back with any questions. Gerry

From: Nixon, Lance <Nixon.Lance@epa.gov>
Sent: Wednesday, February 3, 2021 11:26 AM
To: Gerry Caron <gerry.caron@cabotcorp.com>

Cc: Pletan, Elizabeth <Pletan. Elizabeth@epa.gov>; Clarke, Angienell <Clarke. Angienell@epa.gov>

Subject: [EXTERNAL] RE: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Gerry,

Thank you for your response. Yes, I agree that email would be the best way to correspond. I do check my voicemail frequently, but email is best.

I've attached a document that we have in our files indicating a nexus between Cabot Corp. and the Fansteel Metals site. I hope you find the document helpful.

Please let me know if you need anything else or have additional questions.

**Thanks** 

-Lance Nixon

From: Gerry Caron <gerry.caron@cabotcorp.com>

**Sent:** Tuesday, February 2, 2021 3:15 PM **To:** Nixon, Lance < <u>Nixon.Lance@epa.gov</u>>

**Subject:** FW: Fansteel Metals 104(e) Information Request/Cabot Corp.

Hi Lance. I left you a voicemail a few minutes ago introducing myself on behalf of Cabot Corp. I realize with Covid and so many folks working remotely that email may be a better choice than voicemail!

Could you please email to me any documents that EPA has in its file indicating a nexus between Cabot Corp. and the Fansteel Metals site? This will help us conduct an internal review and inquiry regarding the site and any potential connections with Cabot Corp.

Please let me know if you have any questions. Also, if you would like to call me, by cell number is 617-515-4529.

Thanks,

Gerry Caron

From: Nixon, Lance < Nixon.Lance@epa.gov>
Sent: Monday, February 1, 2021 3:23 PM
To: Karen Kalita < Karen.Kalita@cabotcorp.com>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: [EXTERNAL] Fansteel Metals 104(e) Information Request

#### Dear Sir/Madam:

EPA is seeking information regarding the Fansteel Metals Facility in Muskogee, Oklahoma pursuant to its information gathering authority under CERCLA Section 104(e), 42 U.S.C. 9604(e). Please see attached a letter and Information Request. We are transmitting this letter and information request via email for your convenience. Please respond to this information request within 30 days of your receipt of this email message. If you have any questions, please contact me at (214) 665-2203 or <a href="mailto:nixon.lance@epa.gov">nixon.lance@epa.gov</a>. For any legal questions, please have your counsel contact Elizabeth Pletan at (214) 665-8525 or <a href="mailto:please-tizabeth@epa.gov">please-tizabeth@epa.gov</a>.

Thank You.

#### Lance Nixon

Enforcement Officer
U.S. Environmental Protection Agency
Superfund and Emergency Management Division
Assessment and Enforcement Branch
214-665-2203

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This e-mail and any attachments are for use by the intended recipient and may contain confidential, privileged or proprietary information. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is prohibited. If you have received this e-mail in error, please notify the sender immediately by telephone or e-mail and delete the original message. Thank you.

## Fansteel Metals Superfund Site Address List

Amalgamet,Inc. (FKA Amalgamet-Finamines) Hamish Michie, CEO 222 Bloomingdale Road Suite 101 White Plains, New York 10605

Shell Offshore Inc. (FKA Billiton Trading Co. - Thailand Smelting) Richard H. Tallant, CEO 150 N. Dairy Ashford Road, Suite 101 Houston, Texas 77079

> The Corporation Trust Company For Shell Offshore Inc. 1209 Orange Street Wilmington, Delaware 19801

Cabot Corporation Sean D. Keohane President and CEO Two Seaport Lane Suite 1300 Boston, Massachusetts 02210

> Corporation Service Company For Cabot Corporation 251 Little Falls Drive Wilmington, Delaware 19808

General Services Administration

Metallurg, Inc. (FKA GFE Conversion) Heinz Schimmelbusch, CEO 435 Devon Park Drive Building 200 Wayne, Pennsylvania 19087

> The Corporation Trust Company For Metallurg, Inc. 1209 Orange Street Wilmington, Delaware 19801

Osram Sylvania Inc. (FKA GTE – Sylvania) Michael Flieger, CEO 200 Ballardvale Street Wilmington, Massachusetts 01887

> Corporate Creations Network Inc. For Osram Sylvania Inc. 3411 Silverside Road Tatnall Bldg., Suite 104 Wilmington, Delaware 19810

Bayer Corporation (FKA Hermann C. Stark, Inc.) Philip Blake President and CEO 100 Bayer Boulevard Whippany, New Jersey 07981

> Corporation Service Company 135 N. Pennsylvania Street, Suite 1610 Indianapolis, Indiana 46204

Kennametal, Inc. Christopher Rossi President and CEO 525 William Penn Place Suite 330 Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc. for Philips North America LLC (FKA Mepco Electra) Vitor Rocha, CEO 222 Jacobs Street 3rd Floor Cambridge, Massachusettes 02141

> Corporation Service Company For Philips Holding USA Inc. 251 Little Falls Drive Wilmington, Delaware 19808

Everzinc USA Inc. (FKA Sogem Corporation-Norore Division) Vincent Dujardin, CEO 3717 National Drive Suite 105 Raleigh, North Carolina 27612

> Corporation Service Company For Everzinc USA Inc. 80 State Street Albany, New York 12207

Union Carbide Corporation Richard A. Wells, CEO 7501 State Highway 185 North North Seadrift, Texas 77983

> CT Corporation System For Union Carbide Corporation 28 Liberty Street New York, New York 10005

Valenite, LLC (FKAValeron Metals) Richard Askin, Manager 1702 Nevins Road Fair Lawn, New Jersey 07410

> Corporation Service Company For Valenite, LLC 251 Little Falls Drive Wilmington, Delaware 19808

From: Aselda.Thompson@shell.com [Aselda.Thompson@shell.com]

**Sent**: 2/17/2021 8:20:14 PM

To: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]
Subject: RE: Fansteel 104(e) information request

Flag: Follow up

Thanks for the response Liz – these are crazy times for Texas! It would be helpful to have an extension of time, and I'd also like to ask if you're able to provide any information or documents that demonstrate the nexus or connection of Shell to the site – this will definitely help us to search our records more efficiently.

Glad you hear you're all doing ok! We're in the same boat – glad to have power and water, at least for now.

Take care and we can talk when things calm down.

#### Aselda

From: Pletan, Elizabeth <Pletan.Elizabeth@epa.gov> Sent: Wednesday, February 17, 2021 12:07 PM

To: Thompson, Aselda J SHLOIL-LSPT/EE <Aselda.Thompson@shell.com>

Subject: Fansteel 104(e) information request

#### Think Secure. This email is from an external source.

Hello Aselda, apologies for not having gotten back to you yet! I hope you and your family are still doing well. I'm very grateful to still have power and everything at my house, but the weather is causing all sorts of issues and it may be next week before I'm able to chat. You are probably very familiar with the 104(e) process, but we are usually very liberal when granting extensions of time to respond if that ends up being necessary due to these circumstances!

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

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From: Pletan, Elizabeth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C65F2ACDE2D64342B1803EEE05D9BBB3-PLETAN, ELIZABETH]

Sent: 2/17/2021 6:06:47 PM

To: Aselda.Thompson@shell.com

Subject: Fansteel 104(e) information request

Hello Aselda, apologies for not having gotten back to you yet! I hope you and your family are still doing well. I'm very grateful to still have power and everything at my house, but the weather is causing all sorts of issues and it may be next week before I'm able to chat. You are probably very familiar with the 104(e) process, but we are usually very liberal when granting extensions of time to respond if that ends up being necessary due to these circumstances!

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From: Aselda.Thompson@shell.com [Aselda.Thompson@shell.com]

**Sent**: 3/1/2021 5:47:36 PM

To: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]
Subject: RE: Fansteel 104(e) information request

Hi Liz,

Hope you had a great weekend!

I'm working with my client groups to track down any information we may have to any of these entities and I'm hoping you might be able to provide what EPA believes to be the nexus or connection to Shell? That will help us direct our search.

Many thanks!

Aselda

From: Thompson, Aselda J SHLOIL-LSPT/EE
Sent: Wednesday, February 17, 2021 2:20 PM
To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>
Subject: RE: Fansteel 104(e) information request

Thanks for the response Liz – these are crazy times for Texas! It would be helpful to have an extension of time, and I'd also like to ask if you're able to provide any information or documents that demonstrate the nexus or connection of Shell to the site – this will definitely help us to search our records more efficiently.

Glad you hear you're all doing ok! We're in the same boat – glad to have power and water, at least for now.

Take care and we can talk when things calm down.

Aselda

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov > Sent: Wednesday, February 17, 2021 12:07 PM

**To:** Thompson, Aselda J SHLOIL-LSPT/EE < <u>Aselda.Thompson@shell.com</u>>

**Subject:** Fansteel 104(e) information request

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Hello Aselda, apologies for not having gotten back to you yet! I hope you and your family are still doing well. I'm very grateful to still have power and everything at my house, but the weather is causing all sorts of issues and it may be next week before I'm able to chat. You are probably very familiar with the 104(e) process, but we are usually very liberal when granting extensions of time to respond if that ends up being necessary due to these circumstances!

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6

## (214) 665-8525

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From: Reed, Weslynn (WP) [WPReed@dow.com]

**Sent**: 2/19/2021 3:18:10 PM

To: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

Subject: RE: 104(e) Fansteel Metals Facility

Flag: Follow up

Thank you, Elizabeth. There is no rush on our end. Stay safe and warm!

Wes

#### Weslynn Reed

Counsel - U.S. Operations, Regulatory and North America

The Dow Chemical Company 2211 H.H. Dow Way, Midland, Mt 48674

Office: 989,496,1167 Cell: 989,423,5564 Email: wpreed@dow.com

From: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

**Sent:** Thursday, February 18, 2021 4:07 PM **To:** Reed, Weslynn (WP) < WPReed@dow.com> **Subject:** RE: 104(e) Fansteel Metals Facility

Hello Ms. Reed,

My apologies for missing your call earlier! We usually have no problem granting extensions but I'll need to confirm with my clients so we can get you the extension in writing. We will also provide you with nexus information. Unfortunately the severe weather here in Dallas has impacted our operations so it may take us a few days to provide you with that information. We appreciate you contacting us and your patience!

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From: Reed, Weslynn (WP) < <a href="mailto:WPReed@dow.com">WPReed@dow.com</a>>
Sent: Thursday, February 18, 2021 2:12 PM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: 104(e) Fansteel Metals Facility

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Also, if you have them, would you please provide any nexus documents for Union Carbide at the site? Thank you,

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Cell: 989.423.5564 Email: wpreed@dow.com



From: Pletan, Elizabeth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C65F2ACDE2D64342B1803EEE05D9BBB3-PLETAN, ELIZABETH]

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From: Reed, Weslynn (WP) <WPReed@dow.com>
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To: Pletan, Elizabeth <Pletan.Elizabeth@epa.gov>

Subject: 104(e) Fansteel Metals Facility

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The Dow Chemical Company 2211 H.H. Dow Way, Midland, MI 48674

Office: 989,496,1167 Cell: 989,423,5564 Email: wpreed@dow.com



From: Reed, Weslynn (WP) [WPReed@dow.com]

**Sent**: 2/18/2021 8:11:55 PM

To: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

Subject: 104(e) Fansteel Metals Facility

Attachments: Environmental Protection Agency 2-12-21.pdf

Flag: Follow up

#### Hello Ms. Pletan,

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Office: 989.496.1167 Cell: 969.423.5564 Email: wpreed@dow.com



From: Pletan, Elizabeth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C65F2ACDE2D64342B1803EEE05D9BBB3-PLETAN, ELIZABETH]

**Sent**: 3/22/2021 9:46:07 PM

To: Edelstein, David M. [dmedelstein@vorys.com]

Subject: FW: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Attachments: Metallurg, Inc. - Scan 4.pdf

Hello David, please see attached.

-Elizabeth

From: Nixon, Lance <Nixon.Lance@epa.gov> Sent: Tuesday, March 16, 2021 4:12 PM To: John Hunt <jhunt@amg-nv.com>

Cc: Pletan, Elizabeth <Pletan. Elizabeth@epa.gov>; Clarke, Angienell <Clarke. Angienell@epa.gov>

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

John,

Please see the attached documents for your review. Please let us know if you need anything else or would like to see more documents. Thank you for your cooperation.

-Lance

From: John Hunt <<u>jhunt@amg-nv.com</u>>
Sent: Friday, March 12, 2021 3:46 PM
To: Nixon, Lance <<u>Nixon.Lance@epa.gov</u>>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: Re: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

Lance,

Thanks for the update.

Thanks John

From: Nixon, Lance < Nixon.Lance@epa.gov>
Sent: Friday, March 12, 2021 4:44:53 PM
To: John Hunt < jhunt@amg-nv.com>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov >; Clarke, Angienell < Clarke. Angienell@epa.gov >

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

Hello John,

I apologize about the delay. There was a mix-up on my part. I have the nexus documents ready, however, I have to wait until I get approval to release them to you. Once I get the approval I will send them to you immediately. Again, I'm sorry about the delay.

**Thanks** 

-Lance

From: John Hunt < ihunt@amg-nv.com>
Sent: Friday, March 12, 2021 7:39 AM
To: Nixon, Lance < Nixon, Lance@epa.gov>

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>; Clarke, Angienell < Clarke. Angienell@epa.gov>

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

Lance,

Have you had an opportunity to access the Nexus documents?

Thanks John

From: Nixon, Lance < Nixon.Lance@epa.gov > Sent: Wednesday, March 3, 2021 4:27 PM
To: John Hunt < jhunt@amg-nv.com >

Cc: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov >; Clarke, Angienell < Clarke. Angienell@epa.gov >

Subject: RE: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma

74401

We look forward to hearing from you April 9, 2021. I will try to get some nexus documents to you sometime next week. Your cooperation is greatly appreciated.

-Lance

From: John Hunt <<u>ihunt@amg-nv.com</u>>
Sent: Wednesday, March 3, 2021 1:08 PM
To: Nixon, Lance <<u>Nixon.Lance@epa.gov</u>>

Subject: CERCLA 104(e) Information Request- Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Mr. Nixon,

I received your CERCLA 104(e) Information Requests dated January 22, 2021 that were sent to the attention of Dr. Heinz Schimmelbusch at Metallurg, Inc located at 435 Devon Park Dr, Building 200, Wayne, PA 19087. Unfortunately our office has been closed with limited access due to COVID-19 restriction. Please find attached a letter documenting that we are in receipt of the CERCLA 104(e) Information Requests and that we are preparing to respond by April 9, 2021.

I apologize for the delay in our response. If you have any questions or comments you can reach me via email or on my mobile # (617) 957-5961.

Regards, John

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From: Aselda.Thompson@shell.com [Aselda.Thompson@shell.com]

**Sent**: 2/17/2021 6:06:52 PM

To: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

**Subject**: Automatic reply: Fansteel 104(e) information request

Thanks for your message. Due to weather-related issue sin Houston, I will be unable to regularly access messages. I will be checking emails when I can, but please expect a delay in my response.

From: Chintan Amin [chintan.amin@bayer.com]

**Sent**: 3/5/2021 7:27:24 PM

To: Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

**Subject**: Automatic reply: Fansteel Site - HC Starck 104(e) Request

Sorry I missed your message.

I am out of the office on holiday on Friday, March 5. I will be back in the office on Monday, March 8.

If you need immediate help, please call Kathy Logut, my assistant, at 412-777-2881.

#### Chintan

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#### Appointment

From: Chintan Amin [chintan.amin@bayer.com]

**Sent**: 2/9/2021 9:26:34 PM

To: Chintan Amin [chintan.amin@bayer.com]; Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]
CC: Nixon, Lance [Nixon.Lance@epa.gov]; Clarke, Angienell [Clarke.Angienell@epa.gov]

Subject: Superfund Enforcement Assessment Section SEDAE US EPA

Location: Microsoft Teams Meeting

**Start**: 2/12/2021 3:00:00 PM **End**: 2/12/2021 3:30:00 PM

Show Time As: Busy

Recurrence: (none)

Thanks for getting back to me. Hopefully this time on Friday still works. I think my questions are primarily legal in nature, but it may be helpful to have one of the project managers on because it may help me understand how the entities addressed in the letter were named.

# Microsoft Teams meeting

## Join on your computer or mobile app

Click here to join the meeting

# Join with a video conferencing device

teams@pex-a.video.bayer.biz

Video Conference ID: 123 910 307 7
Alternate VTC dialing instructions

### Or call in (audio only)

+1 213-458-8486,,536909948# United States, Los Angeles

Phone Conference ID: 536 909 948#

Find a local number | Reset PIN

Learn More | Meeting options

**From:** Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

**Sent:** Tuesday, February 9, 2021 3:50 PM **To:** Chintan Amin <<u>chintan.amin@bayer.com</u>>

Cc: Nixon, Lance < Nixon.Lance@epa.gov>; Clarke, Angienell < Clarke.Angienell@epa.gov>

Subject: RE: Superfund Enforcement Assessment Section SEDAE US EPA

Dear Mr. Amin,

My apologies for missing your call earlier! I would be happy to set up a call to discuss the information request. I have cc'ed our Enforcement Officers Lance Nixon and Anginell Clark—it may be helpful to have them on the call. So far we have availability this Friday February 12 anytime except for 1:00 PM to 2:00 PM, Tuesday February 16 after 2:00 PM Central and Wednesday February 17 after 12:00 PM Central. My Thursday and Friday next week are currently blocked off but should open up in the next couple of days. Please let me know if any of those times will work for you and I will set up a Teams meeting.

Sincerely, Elizabeth

Elizabeth Pletan, Attorney Superfund Branch Office of Regional Counsel United States Environmental Protection Agency, Region 6 (214) 665-8525

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From: Chintan Amin <chintan.amin@bayer.com> Sent: Tuesday, February 09, 2021 2:08 PM

To: Pletan, Elizabeth < Pletan. Elizabeth@epa.gov>

Subject: FW: Superfund Enforcement Assessment Section SEDAE US EPA

Dear Ms. Pletan,

I left a message regarding the attached Section 104(e) letter for your earlier today but with everybody being remote, I'm not sure if you've seen it. When you have a moment, would you let me know when you are available for a call to discuss? I would like to clarify the organization to whom it is addressed. Thank you.

Best regards,

# Chintan Amin

Sr Asst General Counsel Head of Real Estate and HSE Law - Health Care and Platform (Admitted in Penn. and Ga., Admission in N.J. Pending)

I'm an ally

*III* 

Bayer U.S. LLC 100 Bayer Blvd Whippany, New Jersey 07981 **United States** 

+1 412 777-2715 Tel Mobile: +1 412 539-5518

E-mail: chintan.amin@bayer.com Web: http://www.bayer.us

From: Christine Thomas < christine.thomas@bayer.com>

Sent: Tuesday, February 9, 2021 10:43 AM

To: Chintan Amin < <u>chintan.amin@bayer.com</u> > Subject: FW: Superfund Enforcement Assessment Section SEDAE US EPA
Here you Chintan.
Thanks, Christine
From: Nancy Hynson <nancy.hynson.ext@bayer.com> Sent: Tuesday, February 9, 2021 10:41 AM</nancy.hynson.ext@bayer.com>
To: Christine Thomas <christine.thomas@bayer.com></christine.thomas@bayer.com>
Subject: FW: Superfund Enforcement Assessment Section SEDAE US EPA
Subject 1 W. Superfund Emoreement Assessment Section SESAE 65 Et A
Hi Christine,
Here you go.
Nancy
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# **Delivery Report**

From: Pletan, Elizabeth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C65F2ACDE2D64342B1803EEE05D9BBB3-PLETAN, ELIZABETH]

**Sent**: 2/1/2021 8:23:20 PM

To: Nixon, Lance [Nixon.Lance@epa.gov]

**Subject**: Read: Fansteel Metals 104(e) Information Request

Your message

To: karen.kalita@cabotcorp.com

CC: Pletan, Elizabeth

Subject: Fansteel Metals 104(e) Information Request

**Sent**: 2/1/2021 8:22:47 PM

was read on 2/1/2021 8:23:04 PM